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2 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
3 OF THE STATE OF OREGON
4

5 In the Matter of the Educator License of) DEFAULT ORDER OF
6) REVOCATION OF RIGHT TO
7 ROCHELLE MARIE BUHL) APPLY FOR EDUCATOR LICENSE
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10 On December 20, 2012, the Teacher Standards and Practices Commission (Commission)
11 issued an Amended Notice of Opportunity for Hearing to Rochelle Marie Buhl (Buhl) in which the
12 Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail
13 and U.S. Certified Mail Receipt 7011 2000 0001 1292 0578 to the address on file with the
14 Commission. The Notice designated the Commission file as the record for purposes of proving a
15 prima facie case. The Certified Mail receipt was returned, signed to the Commission on January 7,
16 2013. The regular mail was not returned to the Commission. The Notice of Opportunity of Hearing,
17 dated December 20, 2012, and signed by Victoria Chamberlain, Executive Director, stated:

18 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD,
19 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR
20 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF
21 YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE
22 COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE
23 REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
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25 On December 28, 2012, Buhl's Attorney requested a hearing on behalf of Buhl. On July 23, 2013 the
26 Commission was advised by Buhl's attorney that Buhl was no longer represented by this Attorney.
27 On January 27, 2014, the Commission received a voicemail for Buhl who advised she wanted to
28 withdraw her request for a hearing. The Commission, therefore, finds Buhl to be in default and
29 enters the following findings of fact, conclusions of law, and final order, based on the files and
30 records of the Commission concerning this matter.

31 **FINDINGS OF FACT**

- 32 1. Rochelle Marie Buhl has been licensed as a teacher in Oregon since April 13, 1983. Buhl's
33 current Basic Teaching License, with endorsements in Basic Health Education (019) and Basic
34 Physical Education (019) issued on October 12, 2010, and expired on October 11, 2013. During all
35 relevant times, Buhl was employed by the Portland Public School District.
36 2. During the 2010/2011 school year, Buhl taught physical education at the Harvey Scott School,
37 which is a kindergarten through eighth grade school. On December 15, 2010, Buhl was issued a
38 verbal reprimand by school administrators for inappropriate physical force with a student. On
39 March 17, 2011, Buhl was placed on administrative leave while additional complaints were
40 investigated. Subsequent investigations revealed:

- a. Buhl had multiple incidents of inappropriate physical contact with students causing physical pain or discomfort.
 - b. Buhl made inappropriate comments and had inappropriate conversations with students involving racial issues. Buhl made inappropriate comments regarding the weight of female students in her class. Buhl used profanity in her communications with students.
 - c. Buhl allowed students in her class to call other students derogatory names, allowed students to throw balls at other students, allowed students to push and trip other students and failed to address student misbehavior according to established IEP plans.
3. On February 1, 2012, the Commission received a report from the Portland Public School District indicating that Buhl had used unreasonable physical force against a student. In a separate Commission investigation, it was determined that on October 28, 2011, while separating two elementary age students who were engaged in horseplay, Buhl grabbed one student by the back of the neck and pushed him up against a wall. The student and several witnesses reported that Buhl told the student he was a trouble maker and that none of the teachers liked him. On January 12, 2012, Buhl entered into a resignation agreement with Portland Public School District, effectively retiring on February 29, 2012.

CONCLUSIONS OF LAW

Buhl's conduct described in section two (2) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0010(1) (*Recognize the worth and dignity of all persons and respect for each individual*), OAR 584-020-0025(2)(a) (*Establishing and maintaining classroom management that is conducive to learning*); and OAR 584-020-0040(4)(d) (*Unreasonable physical force against students, fellow employees, or visitors to the school, except as permitted under ORS 339.250*).

Buhl's conduct described in section three (3) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0010(1) (*Recognize the worth and dignity of all persons and respect for each individual*), OAR 584-020-0025(2)(a) (*Establishing and maintaining classroom management that is conducive to learning*); OAR 584-020-0040(4)(d) (*Unreasonable physical force against students, fellow employees, or visitors to the school, except as permitted under ORS 339.250*); and OAR 584-020-0040(4)(k) (*Knowing violation of any order or rule of the Commission*).

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2 The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

3 **FINAL ORDER**

4 The Commission hereby revokes Rochelle Marie Buhl's Right to Apply for an Educator
5 license.

6 IT IS SO ORDERED THIS 28th day of January, 2014.

7 TEACHER STANDARDS AND PRACTICES COMMISSION



8 By: _____
9 Victoria Chamberlain, Executive Director

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11 **NOTICE OF APPEAL OR RIGHTS**

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13 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
14 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
15 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
16 THE OREGON COURT OF APPEALS.