

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON

3
4 In the Matter of the Educator License of) DEFAULT ORDER OF
5 SAMUEL D. DUFNER) SUSPENSION OF LICENSURE
6
7

8 On January 3, 2017, the Teacher Standards and Practices Commission (Commission) issued
9 a Notice of Opportunity for Hearing to Samuel D. Dufner (Dufner) in which the Commission charged
10 him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail
11 Receipt 7016 0750 0000 2419 0662 to the address on file with the Commission. The Notice
12 designated the Commission file as the record for purposes of proving a prima facie case. The
13 Certified Mail receipt was returned "Unclaimed" to the Commission on January 26, 2017. The
14 regular, first class mail was not returned to the Commission, and is assumed to have been delivered.
15 The Notice of Opportunity of Hearing, dated January 3, 2017, and signed by Monica Beane,
16 Executive Director, stated:

17 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD,
18 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR
19 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF
20 YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE
21 COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE
22 REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
23

24 Dufner did not request a hearing. The Commission, therefore, finds Dufner to be in default and
25 enters the following findings of fact, conclusions of law, and final order, based on the files and
26 records of the Commission concerning this matter.
27

28 **FINDINGS OF FACT**

- 29 1. Samuel D. Dufner has been licensed by the Commission since July 25, 2006. Dufner held an
30 Initial II Teaching License; with endorsements in Biology (HS, ML), Integrated Science (HS,
31 ML), and Multiple Subjects (MIDLVL); valid from January 10, 2013, through March 31, 2016.
32 Dufner did not make application for renewal. During all relevant times, Dufner was employed by
33 the Salem-Keizer School District.
34 2. On May 26, 2015, the Commission received information alleging that Dufner had injured
35 students by exposing them to the effects of a device known as a Tesla coil. Investigation
36 determined that on or about April 30, 2015, Dufner introduced students to a Tesla coil as part of
37 Dufner's science classroom lessons. The Tesla coil is an electrical device that produces a high
38 voltage, low current charge and produces visible streamers of electrical current. Students,
39 curious about the effects of the Tesla coil, volunteered and Dufner allowed them to have the

1 device used on their skin, which was outside of any approved curriculum or lesson plans. Dufner
2 applied the device to the involved students' skin which caused the students minor discomfort,
3 redness of the skin, and in a few instances, minor electrical burns that lasted several days. Local
4 law enforcement investigated Dufner's conduct and arrested Dufner for Criminal Mistreatment,
5 which was later dismissed. On August 26, 2015, Dufner resigned his employment with Salem-
6 Keizer School District.

8 CONCLUSIONS OF LAW

9 Dufner's conduct described above, constitutes gross neglect of duty in violation of ORS
10 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional*
11 *judgment*), OAR 584-020-0020(1)(... *The competent educator assumes responsibility for the*
12 *activities planned and conducted through the district's program.... The competent educator gathers*
13 *relevant information and uses it in the planning and evaluation of instructional activities*), OAR
14 584-020-0020(2)(d) (*Skill in the supervision of students*), OAR 584-020-0025(2)(b)(*Using and*
15 *maintaining district property, equipment, and materials appropriately*); and OAR 584-020-
16 0040(4)(d) (*Unreasonable physical force against students, fellow employees, or visitors to the*
17 *school, except as permitted under ORS 339.250*).

18
19 The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

21 FINAL ORDER

22
23 The Commission hereby suspends Samuel D. Dufner's Oregon educator license for a period
24 of thirty (30) days, to begin upon the date this order is signed and in effect.

25
26 IT IS SO ORDERED THIS 27th day of February, 2017.

27 TEACHER STANDARDS AND PRACTICES COMMISSION

28 By: Monica Beane
29 Monica Beane, Executive Director
30
31
32
33
34

1 NOTICE OF APPEAL OR RIGHTS

2
3 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
4 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
5 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
6 THE OREGON COURT OF APPEALS.