

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

In the Matter of the)
Educator License of)
BONNIE SUZANNE MCKINLEY)

On July 30, 2015, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Bonnie Suzanne McKinley (McKinley) in which the Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7015 0640 0004 7539 9633 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified Mail receipt was returned "Signed" to the Commission on August 16, 2015. The regular, first class mail was not returned to the Commission, and is assumed to have been delivered. The Notice of Opportunity of Hearing, dated July 30, 2015, and signed by Victoria Chamberlain, Executive Director, stated:

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

On August 12, 2015, McKinley's attorney, Jennifer Sung, requested a hearing on her client's behalf; however, after much consideration, McKinley reconsidered and withdrew her request for a hearing. The Commission, therefore, finds McKinley to be in default and enters the following findings of fact, conclusions of law, and final order, based on the files and records of the Commission concerning this matter.

FINDINGS OF FACT

1. Bonnie Suzanne McKinley has been licensed by the Commission since September 5, 1978. McKinley holds a Standard Teaching License, with endorsements in Basic Elementary (014), Basic Hearing Impaired (018), Basic Severe Exceptional Needs (018), Basic Visually Impaired (018), and Standard Exceptional Learner II (018), valid from February 25, 2012, through February 24, 2017. During all relevant times, McKinley was employed by the Southern Oregon Education Service District (SOESD).
2. On June 17, 2011, the Commission received a report from SOESD alleging McKinley used unreasonable physical force on a student. Commission investigation sustained the allegation

1 and charged McKinley with misconduct. On July 20, 2012, McKinley and the Commission agreed
2 upon an informal letter of reproof with a two year monitoring period.

- 3
4 3. On October 22, 2012, the Commission received a new report from the SOEDS indicating
5 McKinley had committed acts of unprofessional conduct in the area of unnecessary physical
6 force with students. SOEDS reported that multiple ESD staff members informed school
7 officials that McKinley was displaying performance problems related to IEPs and other
8 areas, and they had witnessed other instances of McKinley engaging in inappropriate
9 physical interventions with students during the 2011 – 2012 school year. Investigations by
10 the Commission and school officials identified the following unprofessional conduct:

- 11
12 a. McKinley failed to act as the instructional leader of the classroom. McKinley failed to
13 communicate student IEP goals to staff. Student activities and curriculum were not
14 adjusted to match student IEP programs. McKinley provided inaccurate or conflicting
15 IEP information to assistants. McKinley regularly failed to follow student behavior plans,
16 ignored illnesses, and failed to report seclusions to parents as required.
17 b. Interviewed coworkers described multiple occasions where McKinley used improper
18 restraint methods, grabbed or held students unnecessarily, lifted a student by his arms and
19 deliberately dropped him on the floor, and inappropriately placed students into “break
20 rooms” or other isolation locations. Those interviewed also described multiple occasions
21 where incidents had occurred that would normally require parental contact and notification,
22 and McKinley failed or refused to do so. This described misconduct spanned from 2009 –
23 2012 according to witnesses.

- 24
25 4. On March 1, 2013, McKinley voluntarily retired from her employment with SOEDS.
26

27 CONCLUSIONS OF LAW

28 McKinley’s conduct described in sections 2 and 3 above constitutes gross neglect of duty in
29 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1)
30 (*Recognize the worth and dignity of all persons and respect for each individual*), OAR 584-020-
31 0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and*
32 *reasonable rules and regulations*); OAR 584-020-0040(4)(d) (*Unreasonable physical force against*
33 *students, fellow employees, or visitors to the school, except as permitted under ORS 339.250*); and
34 OAR 584-020-0040(4)(k) (*Violation of any order or rule of the Commission*).

1
2 The Commission's authority to impose discipline in this matter is based upon ORS 342.175.
3

4 **FINAL ORDER**
5

6 The Commission hereby suspends Bonnie Suzanne McKinley's Oregon educator license for a
7 period of one year, to begin upon the date this order is signed and in effect. In addition, the
8 Commission places McKinley on probation for a period of four years to commence upon any
9 reinstatement of her Oregon educator license. This probation period is subject to the following terms
10 and conditions:
11

- 12 1. McKinley shall comply with the Standards for Competent and Ethical Performance of
13 Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.
14

15 Violation of any term or condition of probation shall constitute an independent basis for the
16 Commission to revoke McKinley's Oregon educator license or otherwise impose discipline, after first
17 providing McKinley with notice and opportunity for hearing.
18

19 IT IS SO ORDERED THIS 15th day of August, 2016.
20

TEACHER STANDARDS AND PRACTICES COMMISSION

21 By: Monica Beane
22 Dr. Monica Beane, Executive Director
23
24
25

26 **NOTICE OF APPEAL OR RIGHTS**
27

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