

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

3 In the Matter of the)
4 Educator License of)
5 LUANN E HAMBY)
6)
7) STIPULATION OF FACTS AND
) FINAL ORDER OF
) SURRENDER AND REVOCATION OF
) LICENSE

8 On or about April 16, 2014, the Teacher Standards and Practices Commission
9 (Commission) received a complaint from the Greater Albany School District, indicating that
10 licensed educator, Luann Hamby (Hamby), had committed acts of unprofessional conduct.

11 After review of the matters alleged, Hamby and the Commission agree that their
12 respective interests, together with the public interest, are best served by a stipulation to certain
13 facts, Hamby's surrender of her Oregon educator license and the consequent revocation of
14 Hamby's licensure.

15 By signing below, Hamby acknowledges, understands, stipulates, and agrees to the
16 following: (i) she has been fully advised of her rights to notice and a hearing to contest the
17 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all
18 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final
19 Order of Surrender and Revocation of License (Stipulation and Final Order); (ii) this Stipulation
20 and Final Order is a public document and disclosed to the public upon request by the
21 Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval
22 and adoption by the Commission. If the Commission does not approve and adopt this
23 Stipulation and Final Order, then neither Hamby nor the Commission are bound by the terms
24 herein; (iv) she has fully read this Stipulation and Final Order, and understands it completely;
25 (v) she voluntarily, without any force or duress, enters into this Stipulation and Final Order and
26 consents to issuance and entry of the Stipulated Final Order below; (vi) she states that no
27 promises or representation has been made to induce her to sign this Stipulation and Final
28 Order; and (vii) she has consulted with an attorney regarding this Stipulation and Final Order

1 and has been fully advised with regard to her rights thereto, or waives any and all rights to
2 consult with an attorney prior to entering into this Stipulation and Final Order and issuance and
3 entry of the Stipulated Final Order below.

4 This Order sets forth the facts upon which the parties have agreed and the sanction to be
5 imposed. Hamby stipulates that there are sufficient facts contained in the Commission's files
6 and records to support the findings of fact and conclusions of law set forth below. In entering
7 into this stipulation, Hamby waives the right to a hearing to contest the findings of fact,
8 conclusions of law and order set forth below.

9 **STIPULATION OF FACTS**

- 10 1. The Commission has licensed Hamby since July 20, 2007. Hamby currently holds an
11 Initial II Teaching License, with endorsements in Multiple Subjects Self-Contained
12 (ECE, ELE) and Special Education (ECE, ELE), valid December 13, 2013, through
13 December 14, 2016. During all relevant times, Hamby was employed by the Greater
14 Albany School District.
- 15 2. On April 16, 2014, the Commission received information from the Greater Albany School
16 District indicating Hamby may have committed acts which constitute gross neglect of
17 duty. Investigation determined that on April 2, 2014, while employed as an Instructional
18 Assistant, Hamby was found to be under the influence of alcohol on school grounds and
19 possessed alcohol on school premises. When questioned, Hamby admitted to consuming
20 alcohol and stated she had a mixture of alcohol and orange juice on school property.
21 During questioning, Hamby also admitted she worked while intoxicated on previous
22 occasions. Hamby resigned in lieu of termination effective April 15, 2014.

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1 IT IS SO STIPULATED:

2 LuAnn Hamby
3 LuAnn Hamby

9-18-15
Date

4 Victoria Chamberlain
5 Victoria Chamberlain, Executive Director
6 Teacher Standards and Practices Commission

9-28-15
Date

7 **CONCLUSION OF LAW**

8 LuAnn Hamby engaged in unprofessional conduct as described in section two (2) above.
9 This conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-
10 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-
11 020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*); and OAR 584-
12 020-0040(4)(g) (*Appearing on duty or at any district-sponsored activity while under the*
13 *influence of alcohol or any controlled substance*).

14 The Commission's authority to impose discipline in this matter is based upon ORS
15 342.175.

16 **ORDER**

17 The Commission adopts the above Stipulation of Facts and Final Order and accepts
18 LuAnn Hamby's surrender of her Oregon educator license and subsequently revokes her
19 licensure based upon the conduct described above.

20
21 IT IS SO ORDERED this 10th day of November 2015.

22 TEACHER STANDARDS AND PRACTICES COMMISSION

23
24 By: Victoria Chamberlain
25 Victoria Chamberlain, Executive Director