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

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| 5<br>6<br>7                      | In the Matter of the ) DEFAULT ORDER OF Teaching License of ) REVOCATION OF STEPHEN JOHN LUCERO ) RIGHT TO APPLY FOR LICENSURE  |
| 8                                | On May 13, 2004, the Teacher Standards and Practices Commission (Commission)  |
| 9                                | issued a Notice of Opportunity for Hearing to Stephen John Lucero (Lucero) in which the   |
| 10                               | Commission charged him with misconduct under ORS 342.175. The Notice was sent via U.S.  |
| 11                               | First Class Mail and U.S. Certified Mail Receipt 7003 2260 0000 8804 5917 to the address  |
| 12                               | Mr. Lucero provided to the Commission on his application for licensure. The certified mail  |
| 13                               | receipt was returned to the Commission unclaimed. The Notice of Opportunity of Hearing,   |
| 14                               | dated May 13, 2004, and signed by Victoria Chamberlain, Executive Director, stated:   |
| 15<br>16<br>17<br>19<br>20<br>21 | "You, Stephen John Lucero, are entitled to a hearing on the proposed action of the Commission. If you want a hearing, you must file a written request for a hearing with the Commission within 21 days of the date of this notice. Attached to this notice is a copy of the procedures, right of representation and other rights of parties relating to the conduct of a hearing as required under ORS 183.413(2)." |
| 22                               | Mr. Lucero did not request a hearing. The Commission, therefore, finds  |
| 23                               | Mr. Lucero to be in default and enters the following findings of fact, conclusions of law   |
| 24                               | and order, based on the files and records of the Commission concerning this matter.   |
| 25                               | FINDINGS OF FACT  |
| 26                               | 1. The Commissin issued Mr. Lucero a Basic Teaching License with a Basic  |
| 27                               | Elementary Endorsement on December 11, 2000, that license expired November 15, 2003.  |
| 28                               | 2. Mr. Lucero began employment with Coos Bay Public Schools on August 29, 1994.   |
| 29                               | Mr. Lucero resigned his employment with the district in lieu of termination effective April 1, 2003.  |
| 30                               | 3. Between 1999 and 2003, Mr. Lucero kissed NM, a female middle-school student,   |
| 31                               | touched her on the breast and encouraged her to wear miniskirts and tight or revealing clothing.  |
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4. Between 1999 and 2003, Mr. Lucero used profanity at school and during school sponsored activities.

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- 5. Between 1999 and 2003, Mr. Lucero failed to recognize the worth and dignity of all persons by giving preferential treatment to certain female students.
- 6. Between 1999 and 2003, Mr. Lucero placed students in head locks against their will, hit and slapped students with towels and wrestled with students.
- 7. During the 2000-2001 basketball season Mr. Lucero took the girls basketball team for a night swim in the lake at Tugman State Park after a game in Reedsport, Oregon.

## **CONCLUSIONS OF LAW**

Mr. Lucero's sexual conduct, both verbal and physical, with NM constitutes violation of OAR 584-020-0040(4)(f). By using profanity at school and during school sponsored events Mr. Lucero failed to demonstrate a commitment to use professional judgment in violation of OAR 584-020-0010(5) and engaged in sexual conduct of a verbal nature in violation of OAR 584-020-0040(4)(f). Mr. Lucero failed to demonstrate a commitment to recognize the worth and dignity of all persons when he gave preferential treatment to certain female students in violation of OAR 584-020-0010(1). Mr. Lucero violated OAR 584-020-0040(4)(d) by using unreasonable physical force against students which included placing students in head lock positions, hitting, slapping and wrestling with students. When Mr. Lucero took the girls basketball team for a night swim the lake at Tugman State Park after a game in Reedsport, Oregon, he violated District policy and again failed to demonstrate a commitment to use professional judgment in violation of OAR 584-020-0010(5). This misconduct constitutes Gross Neglect of Duty. The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

## ORDER

The Commission hereby revokes Stephen John Lucero's right to apply for licensure. IT IS SO ORDERED this 29th day of July, 2004. 3 TEACHER STANDARDS AND PRACTICES COMMISSION 4 5 6 ctoria Chamberlain, Executive Director NOTICE OF APPEAL OR RIGHTS 9 10 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE 11 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE 12 OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 13 183.482 TO THE OREGON COURT OF APPEALS.