

1 Delgado was employed by the Hood River County School District (HRCSD).

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- 3 2) On May 22, 2018, TSPC received a report from the HRCSD alleging that on
4 May 3, 2018, Delgado used unnecessary physical force against a student while
5 substitute teaching in a Physical Education class at Cascade Locks Elementary
6 School.
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- 8 3) Investigation into the matter determined that while substitute teaching a
9 Physical Education class, Delgado grabbed a tennis racket out of a male
10 student's hands without permission, and then placed his hand over the
11 student's mouth. The student reported that he "could not breathe." Four
12 separate elementary school students reported the incident to the school office
13 and stated they had become "scared" because of Delgado's actions. School
14 staff interviewed several student witnesses, including the victim, and all
15 recalled Delgado grabbing a racket out of the victim's hand, and covering his
16 mouth in response to him disobeying Delgado's directives to stop talking. The
17 HRCSD substantiated the allegations based on the witness statements and
18 issued Delgado a letter advising him that he would not be allowed to return to
19 teach at HRCSD. This incident was referred to law enforcement for further
20 investigation; however, criminal charges were not pursued.
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- 22 4) TSPC attempted to contact Delgado via phone, mail, and certified mail
23 multiple times from June 5, 2020 to August 5, 2020. Delgado did sign for at
24 least one of the certified letters requesting an interview, yet he did not
25 respond to TSPC's request for an interview as required.
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28 CONCLUSIONS OF LAW

29 The conduct described in sections two (2), and three (3) above constitutes
30 gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n)
31 as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-
32 020-0020(2)(d) (*Skill in the supervision of students*), OAR 584-020-0025(2)(e)

