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

_	In the Matter of the)	DEFAULT ORDER OF
5	Educator License of)	REVOCATION
6	BATLINER, DERRICK J.)	
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- 8 9 On September 24, 2021, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Derrick J. Batliner, 10 11 (Batliner) in which the Commission charged him with Gross Neglect of Duty and /or Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail 12 Receipt 7021 0350 000 8183 7865 to the address on file with the Commission. The 13 14 Notice designated the Commission file as the record for purposes of proving a prima 15 facie case. The Certified Mail receipt was returned to the Commission signed. The regular first class mail was not returned to the Commission, and assumed delivered. The 16 17 Notice of Opportunity of Hearing, dated September 24, 2021, and signed by Anthony 18 Rosilez, Executive Director, stated: 19 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED 20 21 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING, 22 23 WITHDRAW YOUR REQUEST FOR HEARING, OR IF YOU FAIL TO APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT 24 25 APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF 26 DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF 27 YOUR LICENSE OR OTHER DISCIPLINE." 28 On October 7, 2021 TSPC received a request for a formal hearing from Batliner's 29 attorney, John Bishop (Bishop). A hearing on this matter was scheduled for January 18-30 31 19, 2023. In early January, 2023, TSPC and the Oregon Department of Justice (DOJ) received confirmation from Bishop that he was no longer representing Batliner. On 32 January 13, 2023 Batliner sent an email to TSPC, the DOJ, and the ALJ assigned to hear 33 the case indicating that he did not want to proceed with a hearing and that he would not 34 appear for the hearing. The Commission, therefore, finds Batliner to be in default and 35 36 enters the following findings of fact, conclusions of law, and final order, based on the files and records of the Commission concerning this matter. 37
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FINDING OF FACT

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2	1. The Commission has licensed Batliner since June 9, 2006. Batliner currently
3	holds a Professional Teaching License, with endorsements in Elementary:
4	Advanced Mathematics (PK-12) and Legacy Middle Level (PK-12), valid from
5	March 21, 2021 through March 20, 2026. During all relevant times, Batliner was
6	employed by the Portland Public School District (PPS).
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8	2. On May 7, 2021, the Commission received a School District Misconduct Report
9	from PPS. The report alleged that Derrick Batliner, a mathematics teacher at
10	Jefferson High School (JHS), engaged in a sexual/romantic relationship with an
11	18-year-old female student, SK.
12	
13	3. A review of PPS investigative documents indicate that on March 18, 2020,
14	Batliner initiated personal contact with SK by emailing her school email account
15	from his school email account. In that email, Batliner told SK:
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17	"I don't know what is going to happen going forward with respect to
18	school, but I am going to miss seeing you every day until it starts up
19	again. You are without a doubt, probably, maybe, kind of, my favorite
20	student sorta ever."
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22	PPS interviewed SK, and she provided testimony and evidence that Batliner had
23	begun giving her special attention, rubbing her back, and grooming her since she
24	was 15 years old. She reported that Batliner would often "caress her on the back"
25	and spend time alone in his classroom with her discussing personal matters. SK
26	reported that Batliner "groomed" her until she was 18 years old. She reported
27	that Batliner would frequently make inappropriate comments/compliments
28	about her body and her physical appearance. She reported that shortly after she
29	turned 18 Batliner asked her to meet up for lunch, and she and Batliner began
30	communicating on a regular basis over text message and Snapchat. SK reported
31	that Batliner frequently engaged in highly sexualized conversation with her and
32	would send each other nude photos. SK reported that Batliner would also engage

1	in phone sex and FaceTime videos with one another and would masturbate on
2	camera (stroking his penis in front of her). SK reported that she met up with
3	Batliner several times after she turned 18, however stated that he had told her
4	that he was "too nervous" to kiss her or touch her. PPS substantiated the
5	allegations based on documentary evidence and direct testimony of SK. In lieu of
6	termination, Batliner resigned his position with the district on June 21, 2021 via a
7	Separation Agreement. No criminal charges were filed in this matter due to SK
8	being 18 years old.
9	
10	4. TSPC investigative staff attempted to interview Batliner regarding this matter,
11	but he declined to participate. Through his attorney, Batliner provided the
12	following statement to TSPC:
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14	"I am in receipt of the TSPC's letter requesting an interview with me. I
15	have discussed the interview with my attorney, and I am declining to
16	interview with regard to the investigation of the alleged conduct in
17	connection with my Oregon teaching license. I understand that declining
18	to interview carries potential consequences. Still, given my particular
19	circumstances, I do not wish to be interviewed. I am writing this letter to
20	document this decision for my TSPC investigation file and having been
21	advised on this decision by my attorney in this matter.
22	
23	CONCLUSIONS OF LAW
24	The conduct described above constitutes gross neglect of duty in violation of ORS
25	342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1)
26	(Recognize the worth and dignity of all persons and respect for each individual),
27	OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-0025(2)(e)
28	(Using district lawful and reasonable rules and regulations); OAR 584-020-
29	0040(4)(0) as it incorporates OAR 584-020-0035(1)(b) (<i>Refrain from exploiting</i>
30	professional relationships with any student for personal gain, or in support of
31	persons or issues), OAR 584-020-0035(1)(c)(A) (Not demonstrating or expressing
32	professionally inappropriate interest in a student's personal life), and OAR 584-

1	020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in		
2	conduct and conversations at all times); and OAR 584-020-0040(4)(w) (Failure of		
3	an educator to cooperate with an investigation conducted by the Teacher		
4	Standards and Practices Commission under ORS 339.370 to ORS 339.400 and ORS		
5	342.176, except subject to the exercise of any legal right or privilege).		
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8	The Commission's authority to impose discipline in this matter is based upon		
9	ORS 342.175.		
10	FINAL ORDER		
11	The Commission hereby revokes Batliner's Oregon teaching license. Batliner will		
12	be eligible to apply for reinstatement after a period of one (1) year.		
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14	IT IS SO ORDERED THIS <u>18</u> day of January, 2023.		
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16	TEACHER STANDARDS AND PRACTICES COMMISSION		
	By: Anthony & Rosiles		
17	By:		
18 19	Dr. Anthony Rosilez, Executive Director		
20	NOTICE OF APPEAL OR RIGHTS		
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22 23	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE		
23 24	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF		
25	ORS 183.482 TO THE OREGON COURT OF APPEALS.		

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Derrick J. Batliner 1367 SW Taylors Ferry Ct. Portland, OR 97219

Dated this <u>|</u> day of January, 2023.

Bv: Selicity Icefire

Professional Practices Assistant

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