1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON				
4 5 6	In the Matter of the Educator License of MATTHEW M. WEAVER	) DEFAULT ORDER OF ) SUSPENSION AND ) PROBATION			
7 8	On October 30, 2023, the Te	On October 30, 2023, the Teacher Standards and Practices Commission			
9	(Commission) issued a Notice of Opportunity for Hearing to Matthew M. Weaver				
10	(Weaver) in which the Commission charged him with Gross Neglect of Duty and/or				
11	Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail				
12	Receipt 9589 0710 5270 0844 8663 02 to the address on file with the Commission. The				
13	Notice designated the Commission file as the record for purposes of proving a prima				
14	facie case. The Certified Mail and the regular First-Class mail were not returned to the				
15	Commission, and assumed delivered. The Notice of Opportunity of Hearing, dated				
16	October 30, 2023, and signed by Anthony Rosilez, Executive Director, stated:				
17 18 19 20 21 22 23 24 25 26 27	PERIOD, YOUR RIGHT TO UNLESS YOUR FAILURE T REASONABLE CONTROL. WITHDRAW YOUR REQUI AT A HEARING, OR NOTIF APPEAR AT HEARING, TH DEFAULT WHICH MAY IN YOUR LICENSE OR OTHER Weaver did not request a hearing weaver did not request a h	RING IS NOT RECEIVED WITHIN THIS 21-DAY A HEARING SHALL BE CONSIDERED WAIVED O REQUEST A HEARING WAS BEYOND YOUR IF YOU DO NOT REQUEST A HEARING, EST FOR HEARING, OR IF YOU FAIL TO APPEAR BY THE COMMISSION THAT YOU WILL NOT IE COMMISSION WILL ADOPT AN ORDER OF CLUDE THE REVOCATION OR SUSPENSION OF R DISCIPLINE."  within the 21-day period. Therefore, the Commission enters the following findings of fact, conclusions of			
29	law, and final order, based on the files and records of the Commission concerning this				
30	matter.				
31					
32	FI	INDINGS OF FACT			
33	1. The Commission has license	ed Weaver since April 9, 2007. Weaver held a			
34	Professional Teaching Licen	se, with endorsements in Legacy Middle Level (PK-			
35	12), English to Speakers of (	Other Languages (PK-12), English Language Arts (PK-			
36	12) and Special Education –	Generalist (PK-12), valid from February 2, 2018,			
37	through October 24, 2022. V	Weaver has not made application to renew his license.			

During all relevant times, Weaver was employed with the Multnomah Education Service District (MESD).

2. On November 18, 2021, the Commission received information from the Oregon Department of Human Service (DHS) reporting allegations Weaver had engaged in conduct that may be considered gross neglect of duty and/or gross unfitness. Specifically, DHS reported that on November 8, 2021, Weaver pushed a student to the floor in his classroom at Wheatley School.

On December 2, 2021, the Commission received a misconduct report from the MESD reporting allegations Weaver had engaged in conduct that may be considered gross neglect of duty and/or gross unfitness. Specifically, the MESD reported that on November 8, 2021, Weaver violated district policies and failed to follow a student's individual education program and support plan during an altercation with a student in Weaver's classroom. The MESD alleged Weaver escalated the situation with the student and used unreasonable physical force when pushing the student to the floor in Weaver's classroom at Wheatley School.

3. Investigation found that late in the morning on November 8, 2021, Weaver was working at his desk in his classroom at Wheatley School when a special needs student became disruptive with an educational assistant. Weaver moved towards the student to intervene, and the student struck with their hand, Weaver's face. Weaver grabbed the student's arms, forcefully directed the student towards a wall, and then forcefully pushed the student backwards causing the student to fall to the floor. The intervention continued with the student attempting to strike Weaver and then striking the educational assistant. Eventually, Weaver grabbed the student's arm, pinned it against the student's chest, and with the other arm forcefully and hastily directed the student outside the classroom.

## CONCLUSIONS OF LAW

Matthew M. Weaver's conduct as described in section three (3) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it

1	incorporates OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-		
,2	0020(2)(d) (Skill in the supervision of students), OAR 584-020-0025(2)(e) (Using		
3	district lawful and reasonable rules and regulations), OAR 584-020-0030(2)(b) (Skill		
4	in communicating with administrators, students, staff, parents, and other patrons),		
5	and OAR 584-020-0040(4)(d) (Unreasonable physical force against students, fellow		
6	employees, or visitors to the school, except as permitted under ORS 339.250).		
7	The Commission's authority to impose discipline in this matter is based upon		
8	ORS 342.175.		
9			
10	FINAL ORDER		
11	The Commission adopts and incorporates herein the above findings of fact and		
12	conclusions of law, and based thereon, imposes a Suspension of one (1) year upon		
13	Matthew M. Weaver's Oregon educator license.		
14	Furthermore, the Commission imposes a period of four (4) years of probation		
15	upon Weaver's licensure to commence from the date the Weaver's license is reinstated		
16	by the Commission and subject to the following conditions:		
17	1. Weaver shall comply with the Standards for Competent and Ethical Performance		
18	of Oregon Educators under Oregon Administrative Rules Chapter 584, Division		
19	020.		
20	2. Weaver shall successfully complete a Commission approved training course on		
21	de-escalation and provide evidence to the Commission of such training prior to		
22	reinstatement.		
23			
24	IT IS SO ORDERED THIS day of December, 2023.		
25			
26 27	TEACHER STANDARDS AND PRACTICES COMMISSION		
28	111- 411		
29 30	By:		
31	•		
32 33	Melissa Goff, Interim Executive Director		
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1	NOTICE OF APPEAL OR RIGHTS	
2		
3	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER.	JUDICIAL REVIEW M.

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

5 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF

6 ORS 183.482 TO THE OREGON COURT OF APPEALS.