1	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2	OF THE STATE OF OREGON
3 4 5 6	In the Matter of the ) STIPULATION OF FACTS AND Educator License of ) FINAL ORDER OF PUBLIC MARIA LEMUS PARTIDA ) REPRIMAND & PROBATION
7	On November 30, 2021, the Teacher Standards and Practices Commission
8	(Commission) received a misconduct report from the Tigard-Tualatin School District
9	(District), indicating possible professional misconduct on the part of licensed educator,
10	Maria Lemus Partida (Partida).
11	After review of the matters alleged, Partida and the Commission agree that their
12	respective interests, together with the public interest, are best served by a stipulation to
13	certain facts and the imposition of a public reprimand, and a two (2) year period of
14	probation.
15	This Order sets forth the facts upon which the parties have agreed and the
16	sanction to be imposed. In entering into this stipulation, Partida waives the right to a
17	hearing to contest the findings of fact, conclusions of law and order set forth below.
18	By signing below, Partida acknowledges, understands, stipulates, and agrees to
19	the following: (i) she has been fully advised of her rights to notice and a hearing to
20	contest the findings of fact, conclusions of law, and order set forth below, and fully and
21	finally waives all such rights and any rights to appeal or otherwise challenge this
22	Stipulation of Facts and Final Order of Public Reprimand and Probation (Stipulation and
23	Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to
24	the public upon request by the Commission; (iii) this Stipulation and Final Order is
25	contingent upon and subject to approval and adoption by the Commission. If the
26	Commission does not approve and adopt this Stipulation and Final Order, then neither
27	Partida nor the Commission are bound by the terms herein; (iv) she has fully read this
28	Stipulation and Final Order, and understands it completely; (v) she voluntarily, without
29	any force or duress, enters into this Stipulation and Final Order and consents to issuance
30	and entry of the Stipulated Final Order below; (vi) she states that no promise or
31	representation has been made to induce her to sign this Stipulation and Final Order; and
32	(vii) she has consulted with an attorney regarding this Stipulation and Final Order and
33	has been fully advised with regard to her rights thereto, or waives any and all rights to
34	consult with an attorney prior to entering into this Stipulation and Final Order and
35	issuance and entry of the Stipulated Final Order below.

STIPULATION OF FACTS

1. The Commission has licensed Partida since January 14, 2021. Partida holds a Preliminary Teaching License, with endorsements in Elementary - Multiple Subjects (PK-12) and English to Speakers of Other Languages (PK-12), valid from January 14, 2021, through November 11, 2024. During all relevant times, Partida was employed as a probationary teacher with the Tigard-Tualatin School District (TTSD).

2. On November 30, 2021, the Commission received a report from the TTSD indicating Partida had engaged in conduct that may be considered gross neglect of duty and/or gross unfitness. Specifically, the TTSD reported that in November 2021, Partida left a pre-kindergarten (PK) student unattended, used unreasonable physical force to control a PK student, inappropriately restrained a PK student, and used an unprofessional verbal tone with a PK student.

3. Investigation determined that in the first week of November 2021, Partida left a three (3) year-old PK student who had not completed an assignment alone in the classroom for approximately five (5) minutes while Partida and the class went to recess. An instructional assistant entering the classroom found the student crying, assisted the student in completing the assignment and then escorted the student to recess. Partida said from outside the classroom, she was able to observe the student from the window of the classroom door and a large window on the classroom wall and only moved away this area after observing an instructional assistant enter the classroom.

4. Investigation determined that in the second week of November 2021, a PK student was moving around the classroom and refusing to comply with Partida's verbal directions to participate in a group activity. Partida moved towards the student and grabbed the student in a vigorous manner which caused the student to cry. Partida said the student inadvertently stepped on another student and was about to fall on some other sitting students after losing his balance. Partida said she intervened by grabbing the unbalanced student and guiding him to an open spot on the floor with the group.

In the second week of November 2021, a PK student was repeatedly leaving his cot during nap time. Eventually, Partida vigorously directed the student into sitting in a chair and then continued to keep the student in the chair when the student attempted to get up. Partida said initially two students were not staying on their cots and the instructional assistants who normally supported these students were unavailable. Partida said that while she was getting the two students relaxed and, on their cots, a third student got up from his cost and would not remain on this cot as directed. Partida said she held the student's hand, directed the student to a chair and applied pressure to the student similar to a weighted compression vest use to comfort some special needs children.

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In the second week of November 2021, a PK student disrupted the classroom by disorganizing another student's materials. Partida vigorously sat the student down, invaded the student' personal space, and raised her voice at the student. Partida said she that because the student was sitting, when she lowered herself to the student's level, and because of the student's disability, when she held the student's hand to focus his attention while she corrected the student, it could appear that she was overly close to and physical with the student.

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31 32 5. The TTSD determined Partida's conduct violated district policies and state law and on December 1, 2021, informed Partida of their intention to terminate her employment. On December 13, 2021, after meeting with union representation, Partida signed a resignation agreement with the district.

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IT IS SO STIPULATED:

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Lemus Partida

Trent Danowski, Deputy Director

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Teacher Standards and Practices Commission

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1	CONCLUSION OF LAW
2	The conduct described section three (3) and four (4) above constitutes gross
3	neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it
4	incorporates, OAR 584-020-0010(5) (Use professional judgement), OAR 584-020-
5	0020(2)(d) (Skill in the supervision of students), OAR 584-020-0025(2)(e) (Using
6	district lawful and reasonable rules and regulations); and OAR 584-020-0040(4)(d)
7	(Unreasonable physical force against students, fellow employees, or visitors to the
8	school, except as permitted under ORS 339.250).
9	The Commission's authority to impose discipline in this matter is based upon
10	ORS 342.175.
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12	ORDER
13	The Commission adopts and incorporates herein the above findings of fact and
14	conclusions of law, and based thereon, imposes a Public Reprimand on Maria Lemus
15	Partida's Oregon educator license.
16	Furthermore, the Commission imposes a period of two (2) years of probation
17	upon Partida's license to commence from the date the order is signed by the Commission
18	and subject to the following condition:
19	1. Partida shall comply with the Standards for Competent Ethical Performance of
20	Oregon Educators under Oregon Administrative Rules Chapter 584, Division
21	020.
22	N/ C
23	Issued and dated this day of October, 2022.
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25	TEACHER STANDARDS AND PRACTICES COMMISSION
26	STATE OF OREGON
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29	By A
30	Dr. Anthony Rosilez, Executive Director
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