

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

In the Matter of the Educator License of) DEFAULT ORDER OF SUSPENSION
JOEL K. NYE) AND PROBATION OF
) AN EDUCATOR LICENSE

On March 1, 2023, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Joel K. Nye (Nye) in which the Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7021 0350 000 8184 1985 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified Mail receipt was returned signed to the Commission on March 20, 2023. The regular, first class mail was not returned to the Commission

On March 10, 2023, Nye requested a hearing. The hearing was scheduled for April 25, 2024. On April 25, 2024, the Commission representatives appeared before Administrative Law Judge Alison Webster of the Office of Administrative Hearings on time and prepared to participate in the scheduled hearing. Nye failed to appear for the hearing as scheduled. Judge Webster declared the hearing a default. The Commission, therefore, finds Nye to be in default and enters the following findings of fact, conclusions of law, and final order, based on the files and records of the Commission concerning this matter.

FINDINGS OF FACT

1. The Commission has licensed Nye since June 21, 2001. Nye holds a Preliminary Teaching License, with endorsements in Physical Education (PK-12), Foundational Mathematics (PK-12), Health (PK-12) and Legacy Middle Level (PK-12); valid from January 7, 2021 to January 13, 2024. During all relevant times, Nye was employed by the Prospect School District (PSD).
2. On April 13, 2022, the Commission received a School District Misconduct Report from the PSD. The report alleged that Nye inadequately supervised his Physical Education (PE) classes. The report stated that due to poor supervision of a PE class on March 14, 2021 a student sustained a knee injury (which required surgery) from playing “full contact” basketball. The report further alleged that on March 16, 2022 Nye allowed students in a PE class to engaged in “self-defense” activities which included multiple occurrences of

1 chokeholds, students grabbing each other by the neck and throwing one another to the
2 ground, students dragging each other by the necks, and students engaging in stomach
3 punching and kicking. It was also reported that a student was pulled down from the top of
4 the bleachers and alleged that students were allowed to engage in multiple wrestling style
5 takedowns.
6

7 3. The Commission reviewed PSD investigative documents surrounding these incidents,
8 including recorded video footage of the events. According to district investigative materials
9 the following occurred in March of 2021:
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- 11 • Students in Nye's PE class were supposed to be playing softball.
- 12 • A few students were playing basketball off to the side of the softball game,
13 unsupervised.
- 14 • Nye was playing softball, in sight of the students, but did not direct them to stop
15 playing basketball.
- 16 • Student X collided with another student while playing basketball, and landed wrong,
17 injuring his knee.
- 18 • After the injury, Nye noticed Student X was not playing softball, and asked him why
19 he was not playing.
- 20 • Student X replied that he got hurt.
- 21 • Student X reported that Nye walked away and did not inquire about the injury.
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24 According to district investigative materials the following occurred in March of 2022:
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- 26 • Principal Durham entered the gym during one of Nye's PE classes to retrieve a
27 student.
- 28 • Principal Durham noticed that students were in two separate groups on either side of
29 the gym.
- 30 • Principal Durham noticed that some students were punching and kicking the wall
31 mats.
- 32 • Principal Durham saw Nye standing in the middle of the gym observing the students.

- 1 • Principal Durham did not observe instruction value to the lesson and no management
2 strategies were observed. She noted that none of the moves appeared to be safe nor
3 were they accurately performed martial arts.
- 4 • The district interviewed Nye and asked about the lesson plans for the “self-defense”
5 class he was instructing, and Nye admitted that he had no training to be a self-defense
6 instructor.
- 7 • Recorded video footage of the “self-defense” lessons were reviewed by Principal
8 Durham.
- 9 • The video footage showed students engaging in the following:
 - 10 ○ A students performed “arm break” hold.
 - 11 ○ A students put each other in headlocks.
 - 12 ○ Nye put a student in a headlock.
 - 13 ○ A student put another student in a headlock and took him to the ground.
 - 14 ○ A student grabbed a special needs student and spun, going to the ground.
 - 15 ○ A student “took down” a special need student multiple times.
 - 16 ○ A special needs student pulled another student down from the bleachers, and
17 in response a third student grabbed the special needs student and held him
18 with his arms behind his back, put him in a headlock and then drags the
19 student by the neck.

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21 Based on the above, the PSD substantiated the allegations and made a recommendation to
22 the school board that Nye’s teaching contract be terminated.

23 24 **CONCLUSIONS OF LAW**

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26 The conduct described in sections two (2), and three (3) above constitutes gross neglect of
27 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
28 0010(5) (*Use professional judgment*), OAR 584-020-0020(2)(d) (*Skill in the supervision of*
29 *students*) and OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and*
30 *regulations*).

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32 The Commission’s authority to impose discipline in this matter is based upon ORS 342.175.
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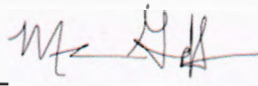
1 **FINAL ORDER**

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3 The Commission hereby imposes a ninety (90) day suspension and two (2) years probation
4 upon Joel K. Nye’s Oregon educator license. The period of probation will become effective on the
5 date of a reinstatement of Nye’s Oregon educator license. The period of probation is subject to the
6 following conditions:

- 7
8 1. Nye shall comply with the Standards for Competent and Ethical Performance of Oregon
9 Educators under Oregon Administrative Rules Chapter 584, Division 020.
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11 2. Nye will successfully complete a Commission approved training course on Classroom
12 Management during the first year of probation.
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15 IT IS SO ORDERED THIS 3 day of May, 2024.

16 TEACHER STANDARDS AND PRACTICES COMMISSION

17 By: 

18 Melissa Goff, Interim Executive Director

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21 **NOTICE OF APPEAL OR RIGHTS**

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24 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
25 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
26 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
27 THE OREGON COURT OF APPEALS.