BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 1 2 OF THE STATE OF OREGON 3 4 5 6 7 8 DEFAULT ORDER OF In the Matter of the Educator License of) SUSPENSION AND PROBATION SHARON B. HICKS 9 On August 30, 2019, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Sharon B. Hicks (Hicks) in which the Commission charged 10 her with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail 11 Receipt 7018 1830 0001 6178 6391 to the address on file with the Commission. The Notice 12 designated the Commission file as the record for purposes of proving a prima facie case. The 13 Certified Mail receipt was returned signed, to the Commission on September 12, 2019. The regular, 14 first class mail was not returned to the Commission, and assumed to have been delivered. The Notice 15 of Opportunity of Hearing, dated August 30, 2019, and signed by Anthony Rosilez, Executive 16 17 Director, stated: "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, 18 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR 19 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF 20 YOU DO NOT REQUEST A HEARING, WITHDRAW YOUR REQUEST FOR HEARING, IF 21 YOU FAIL TO APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL 22 23 NOT APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR 24 25 OTHER DISCIPLINE." 26 Hicks did not request a hearing. The Commission, therefore, finds Hicks to be in default and enters 27 the following findings of fact, conclusions of law, and final order, based on the files and records of 28 29 the Commission concerning this matter. 30 FINDINGS OF FACT 31 1. Sharon Hicks has been licensed by the Commission since July 11, 2007. Hicks holds a 32 Preliminary Teaching License, with endorsements in Elementary Multiple Subjects (PK-12); 33 Foundational English Language Arts (PK-12); Foundational Social Studies (PK-12); and 34 Legacy Middle Level (PK-12), valid from December 14, 2017, through December 13, 2020. 35 During all relevant times, Hicks was employed by the Education Staffing Solutions (ESS) and 36 providing substitute teaching services to the Medford School District (MSD). 37 38 2. On September 19, 2018, the Commission received a report from the MSD indicating Hicks 39 may have committed acts which constitute gross neglect of duty. The district reported Hicks 40

had been under the influence of alcohol while providing substitute teaching services at Medford High School on or about September 18, 2018.

Investigation determined that on September 18, 2018, Hicks was providing substitute teaching services to a variety of classrooms throughout the day. Near the end of the school day, Hicks was assigned to a physical education glass in the gymnasium. Another PE teacher observed that Hicks was dropping papers, stumbling when she moved, and was slurring her words. A second PE teacher present reported that Hicks smelled of alcohol. School administrators were notified, and Hicks was isolated from students. When escorted to the office, observers noted Hicks stumbled on the stairs and confirmed that she smelled of alcohol. When asked if she had been drinking, Hicks replied "Yes", explaining that she was under stress due to her mother's illness.

Based on these observations and Hicks' own admission, school officials contacted ESS who sent a representative to the building. ESS requested that Hicks submit to an alcohol screening test, and Hicks complied. At a local medical facility, approximately 90 minutes after being removed from the classroom, Hicks submitted two breath samples for a blood alcohol content test (BAC). The first test, administered at 5:58 PM showed Hicks' BAC to be .209%; her second test, at 6:16 PM showed Hicks' BAC to be .206%. Both test results indicated Hicks was under the influence of alcohol. Hicks was later removed from the MSD substitute call list, and on September 20, 2018, ESS terminated Hicks' employment.

On May 1, 2019, Hicks was interviewed by Commission investigator(s). Hicks admitted to purchasing a bottle of wine during her lunch break and drinking half the bottle in the school parking lot before returning to work. Hicks reiterated that the stress of her mother's illness and other factors had affected her decision making, and Hicks stressed that she did not have a dependency problem.

CONCLUSIONS OF LAW

Hicks' conduct described above, constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*); and OAR 584-020-0040(4)(g) (*Appearing on duty or at any district-sponsored activity while under the influence of alcohol or any controlled substance*).

1	The Commission's authority to impose discipline in this matter is based upon ORS 342.175.
2	
3	FINAL ORDER
4	
5	The Commission hereby suspends Sharon B. Hicks' Oregon educator license for a period of
6	ninety (90) days, to begin upon the date this order is signed and in effect.
7	
8	In addition, the Commission places Hicks on probation for a period of two (2) years to
9	commence upon Hicks' reinstatement from suspension. This probation period is subject
10	to the following terms and conditions:
11	TY 1 1 1 1
12	1. Hicks shall comply with the Standards for Competent and Ethical Performance of Oregon
13	Educators under Oregon Administrative Rules Chapter 584, Division 020.
14 15	 Hicks will submit a full Drug/Alcohol evaluation from a Commission approved provider, and will participate and successfully complete any treatment as recommended from such
16	a report.
17	a report.
18	Violation of any term or condition of probation shall constitute an independent basis for
19	the Commission to revoke Hicks's teaching license or otherwise impose discipline, after
20	first providing Hicks with notice and opportunity for hearing.
21	
22	. r
23	IT IS SO ORDERED THIS 7 day of October, 2019.
24	TEACHER STANDARDS AND PRACTICES COMMISSION
	Anthony J. Rosiles
25 26	By:
27	Divinition, Roomed, America
28 29	
30	NOWIGE OF ARREAT OF RIGHTS
31 32	NOTICE OF APPEAL OR RIGHTS
33 34	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 SERVICE OF
34 35	THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
36	THE OREGON COURT OF APPEALS.