

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

3  
4 In the Matter of the Educator                    )       DEFAULT ORDER OF  
5 License of    )       PUBLIC REPRIMAND  
6 DANIEL SCOTT OSWALD                            )       

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9           On September 12, 2019, the Teacher Standards and Practices Commission  
10 (Commission) issued a Notice of Opportunity for Hearing to Daniel S. Oswald (Oswald) in  
11 which the Commission charged him with Gross Neglect of Duty. The Notice was sent via  
12 U.S. First Class Mail and U.S. Certified Mail Receipt 7018 1830 0001 6178 6544 to the  
13 address on file with the Commission. The Notice designated the Commission file as the  
14 record for purposes of proving a prima facie case. The Certified Mail receipt was returned to  
15 the Commission signed on September 25, 2019. The first class mail was not returned to the  
16 Commission and assumed delivered. The Notice of Opportunity of Hearing, dated  
17 September 12, 2019, and signed by Anthony Rosilez, Executive Director, stated:

18           “IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY  
19 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED  
20 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR  
21 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING, WITHDRAW  
22 YOUR REQUEST FOR HEARING, IF YOU FAIL TO APPEAR AT A HEARING, OR  
23 NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE  
24 COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE  
25 THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER  
26 DISCIPLINE.”

27  
28 Oswald did not request a hearing. The Commission, therefore, finds Oswald to be in default  
29 and enters the following findings of fact, conclusions of law, and final order, based on the  
30 files and records of the Commission concerning this matter.

31   **FINDINGS OF FACT**

- 32           1. Oswald has been licensed by the Commission since August 29, 2016. Oswald  
33 holds a Preliminary Teaching License, with an endorsement in Social Studies  
34 (PK-12), valid from January 30, 2019 through March 31, 2022. During all  
35 relevant times, Oswald was employed by the Willamina School District (WSD).  
36           2. On or about January 29, 2019, Commission licensure staff referred Oswald to  
37 Professional Practices after determining Oswald may have inappropriately  
38 performed the duties of a teacher without an appropriate, valid license or

1 registration. Investigation determined that on August 29, 2016, Oswald was  
2 issued a Reciprocal Teaching License, valid for one year. Oswald was informed of  
3 the requirements for renewal including, making application, paying appropriate  
4 fees, and passing the civil rights exam. On March 31, 2017, Oswald was sent a  
5 reminder about his upcoming renewal. On April 26, 2017, Oswald was sent  
6 another reminder advising him that his license would expire on August 29, 2017  
7 and the requirements for renewal.

8 On January 25, 2019, Oswald contacted commission staff asking if his most  
9 recent transcripts had been received. During this conversation, it was discovered  
10 that Oswald's license had expired on August 29, 2017; however, Oswald  
11 continued to provide teaching services to WSD. Oswald promptly made proper  
12 application, WSD expedited Oswald's application, and Oswald's license was  
13 issued on January 30, 2019. Oswald advised that after he passed the civil rights  
14 exam Oswald errantly believed he had meet all his renewal requirements but  
15 forgot he also needed to make application and pay his fees. WSD did not have  
16 Oswald on their renewal tracking list and was unaware of Oswald's licensure  
17 lapse.

### 19 CONCLUSIONS OF LAW

20 Daniel Oswald's unprofessional conduct, as described above, constitutes Gross  
21 Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it  
22 incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-  
23 0040(4)(r) (*Working without a license*); and OAR 584-050-0035 (1) (*Any person employed*  
24 *in a position in a school district, education service district, or charter school for which a*  
25 *license or registration is required pursuant to ORS Chapter 342, must hold a valid license*  
26 *or registration appropriate for the assignment while working as a public school, education*  
27 *service district or charter school employee*).

28  
29 The Commission's authority to impose discipline in this matter is based upon ORS  
30 342.175.