

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 MEGAN ERIN EMMS                                )       AND PROBATION  
7  
8

9                   On December 19, 2019, the Teacher Standards and Practices Commission  
10 (Commission) issued a Notice of Opportunity for Hearing to Megan E. Emms (Emms) in  
11 which the Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S.  
12 First Class Mail and U.S. Certified Mail Receipt 7018 1830 0001 6178 6988 to the address  
13 on file with the Commission. The Notice designated the Commission file as the record for  
14 purposes of proving a prima facie case. The Certified Mail receipt was not returned to the  
15 Commission. The first class mail was not returned to the Commission and presumed  
16 delivered. The Notice of Opportunity of Hearing, dated December 19, 2019, and signed by  
17 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, OR IF YOU FAIL TO APPEAR AT A HEARING,  
23 OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING,  
24 THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY  
25 INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER  
26 DISCIPLINE.”  
27

28 Emms did not request a hearing. The Commission, therefore, finds Emms 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. Emms has been licensed by the Commission since August 27, 1997. Emms holds a  
33 Professional Teaching License, with an endorsement in English Language Arts  
34 (PK-12), valid from February 4, 2017, through February 3, 2022. During all  
35 relevant times, Emms was employed by the Beaverton School District (BSD).  
36                   2. On April 22, 2019, the Commission received information from the BSD indicating  
37 Emms may have committed acts which constitute gross neglect of duty. BSD  
38 reported that on April 17, 2019, Emms appeared intoxicated while on duty.

1 3. Investigation determined that on Wednesday, April 17, 2019, Emms had been  
2 working for BSD at the Bridges School. On Wednesdays, the students had early  
3 release, and unless approved for leave, employees continued to work the full day.  
4 After the students were released and while Emms was still on duty, Emms left the  
5 building and went to Malone's Ale House. District administrators learned of  
6 Emms' location and upon entering Malone's, they observed her consuming an  
7 alcoholic beverage. District administrators made contact with Emms as she sat at  
8 the bar drinking. When Emms was asked if she was drinking alcohol, she advised  
9 that she was, but it was not harming any students. District officials requested that  
10 Emms submit to a blood alcohol test, and she complied. Test results indicated  
11 Emms had a BAC of .054% at 3:30pm and .044% at 3:47pm.  
12 District officials further determined that during multiple due process meetings,  
13 Emms was misleading, deceptive and / or untruthful in her answers to questions.  
14 BSD determined that Emms' conduct violated district policies and moved for  
15 dismissal. Prior to the dismissal proceedings, Emms resigned her employment  
16 with the BSD.

### 17 **CONCLUSIONS OF LAW**

18 Megan A. Emms engaged in unprofessional conduct as described above. This conduct  
19 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-  
20 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR  
21 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*); OAR  
22 584-020-0040(4)(c) (*Falsification of any document or knowing misrepresentation directly*  
23 *related to licensure, employment, or professional duties*); OAR 584-020-0040(4)(g)  
24 (*Appearing on duty or at any district-sponsored activity while under the influence of*  
25 *alcohol or any controlled substance*); and OAR 584-020-0040(4)(o) as it incorporates OAR  
26 584-020-0035(3) (a) (*Maintain the dignity of the profession by respecting and obeying the*  
27 *law, exemplifying personal integrity and honesty*).

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

1 **FINAL ORDER**

2 The Commission hereby issues a Public Reprimand upon Megan E. Emms’ Oregon  
3 educator licensure.


4 In addition, the Commission places Emms on probation for a period of three years  
5 to commence upon execution of this order. This probation period is subject to the  
6 following terms and conditions:

- 7
- 8 1. Emms shall comply with the Standards for Competent and Ethical Performance of
- 9 Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.
- 10 2. Emms shall successfully complete a Commission a Drug / Alcohol dependency
- 11 evaluation within the first year of probation.
- 12

13 Violation of any term or condition of probation shall constitute an independent basis  
14 for the Commission to revoke Emms’ teaching license or otherwise impose discipline, after  
15 first providing Emms with notice and opportunity for hearing.

16  
17  
18 IT IS SO ORDERED THIS 27<sup>th</sup> day of January, 2020.

19  
20 TEACHER STANDARDS AND PRACTICES COMMISSION

21   
22 By: \_\_\_\_\_  
23 Dr. Anthony Rosilez, Executive Director

24  
25 NOTICE OF APPEAL OR RIGHTS

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