

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

3	In the Matter of the)	STIPULATION OF FACTS AND
4	Teaching License of)	FINAL ORDER OF REPRIMAND
5	JAMES MARSHALL DRAGO)	

6 On or about December 14, 2006, the Teacher Standards and Practices Commission
7 (Commission) received a report from Don Alexander, Superintendent, Prospect School District,
8 indicating that James Marshall Drago (Drago) used physical force against a student.

9 Mr. Drago fully cooperated with the Commission's investigation. After review of the matters
10 alleged, Mr. Drago and the Commission agree that their respective interests, together with the public
11 interest, are best served by a stipulation to certain facts and the imposition of a Public Reprimand.

12 This document sets forth the facts upon which the parties have agreed and the stipulated
13 sanction to be imposed. Mr. Drago stipulates that there is sufficient evidence in the Commission's
14 files and records to support the findings of fact, conclusions of law, and order set forth below.

15 By signing below, Mr. Drago acknowledges, understands, stipulates, and agrees to the
16 following: (i) he has been fully advised of his rights to notice and a hearing to contest the findings of
17 fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any
18 rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Reprimand
19 (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to
20 the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon
21 and subject to approval and adoption by the Commission. If the Commission does not approve and
22 adopt this Stipulation and Final Order, then neither Mr. Drago nor the Commission are bound by the
23 terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v)
24 he voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to
25 issuance and entry of the Stipulated Final Order below; (vi) he states that no promises or
26 representation has been made to induce him to sign this Stipulation and Final Order; and (vii) he has
27 consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with

1 regard to his rights thereto, or waives any and all rights to consult with an attorney prior to entering
2 into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

3 **STIPULATION OF FACTS**

4 1. The Commission has licensed James Marshall Drago since November 9, 1990. Mr. Drago
5 currently holds a Basic Teaching License valid March 31, 2006, through March 30, 2009, with a Basic
6 Elementary endorsement.


7 2. Mr. Drago explained to the Commission that he often engaged in physical games with
8 students including playful wrestling. On October 16, 2006 a student attempted to engage in physical
9 play with Mr. Drago by placing him in a wrestling hold and challenging Mr. Drago to get out of the hold
10 if possible. Mr. Drago responded by escaping the student's hold and placing the student on the floor.
11 Although there is no evidence that Mr. Drago intended to inflict pain or harm, the student reported that
12 he experienced pain from this incident.

13 3. The Commission has received no prior reports or complaints concerning Mr. Drago in his
14 nearly 17 years of being a licensed educator.

15
16 **IT IS SO STIPULATED:**

17 
18 James Marshall Drago

7/18/07
Date

19 
20 Victoria Chamberlain, Executive Director
21 Teacher Standards and Practices Commission

8-6-07
Date

22 **CONCLUSIONS OF LAW**

23 James Marshall Drago violated OAR 584-020-0040(4)(d) when he used unreasonable physical
24 force against a student. This misconduct constitutes Gross Neglect of Duty. The Commission has
25 authority to impose discipline in this matter under ORS 342.120 through 342.430 and OAR Chapter
26 584.

ORDER

2 The Commission hereby adopts and incorporates herein the above findings of fact and
 3 imposes a Public Reprimand on James Marshall Drago. This Stipulation of Facts, Order and
 4 Probation constitute the Reprimand.

5 Issued and dated this 6th day of August, 2007.

6 **TEACHER STANDARDS AND PRACTICES COMMISSION**
 7 **STATE OF OREGON**

8 By *Victoria Chamberlain*
 9
 10 Victoria Chamberlain, Executive Director

11 Approved as to form:

12 *Elizabeth A. Joffe*
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 14 Elizabeth A. Joffe, OSB # 94624
 15 Attorney for James Drago

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