

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    )        REVOCATION OF RIGHT TO  
6 JEFFREY R SIMMONS                                )        APPLY FOR AN EDUCATOR LICENSE  
7  
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9           On June 28, 2013, the Teacher Standards and Practices Commission (Commission)  
10 issued a Notice of Opportunity for Hearing to Jeffrey R Simmons (Simmons) in which the  
11 Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First  
12 Class Mail and U.S. Certified Mail Receipt 7011 2000 0001 1282 3718 to the address on file  
13 with the Commission. The Notice designated the Commission file as the record for purposes  
14 of proving a prima facie case. The Certified Mail receipt was returned, signed to the  
15 Commission on July 3, 2013. The regular mail was not returned to the Commission. The  
16 Notice of Opportunity of Hearing, dated June 28, 2013, and signed by Victoria Chamberlain,  
17 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 OR IF YOU  
22 FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER  
23 OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF  
24 YOUR LICENSE OR OTHER DISCIPLINE.”  
25

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

29   **FINDINGS OF FACT**

- 30 1. Jeffrey Simmons has been licensed since March 10, 2003. Simmons held an Initial I  
31 Teaching License issued April 14, 2009, with an endorsement in Music (ML/HS,  
32 ECE/ELE L), which expired on April 13, 2012. Simmons has not made application for  
33 renewal. During all relevant times, Simmons was employed by the Bend-La Pine School  
34 District.
- 35 2. On March 2, 2012, the Commission received information from the Bend-La Pine  
36 School District indicating Simmons may have committed acts which constitute gross  
37 neglect of duty. A school district investigation into a November 2011, patron

1 complaint determined during the 2011 – 2012 school year, Simmons used racial and  
2 derogatory terms and nicknames when referring to several of his students. This  
3 included referring to a student of Asian descent as “Chopsticks”, “Potsticker”, “Cheap  
4 Chinese Labor”, and calling her “Twinkie” because she was yellow on the outside and  
5 white on the inside. Simmons made demeaning comments about a student who was  
6 overweight and to another regarding his sexual orientation, referring to him as “Mrs.  
7 B.” and suggesting he had a crush on a Justin Beiber. District investigation  
8 discovered several additional examples of Simmons’ inappropriate behavior,  
9 including referring to an East-Indian student as a “towel head” and a “terrorist” and  
10 asking him if he was “going home to eat some curry”. Other similar examples were  
11 documented in the Commission’s investigation. These comments and references  
12 were witnessed and verified by multiple other students and at least one other adult.  
13 The involved students and those who witnessed Simmons’ actions were all negatively  
14 affected by his actions, claiming they were hurt, intimidated, and afraid.

- 15
- 16 3. The Bend-La Pine School District provided Commission investigators with  
17 documents indicating that Simmons had been subjected to counseling and discipline  
18 regarding his inappropriate behavior with students dating back to the 2000 / 2001  
19 school year. These documented incidents included Simmons using inappropriate  
20 language in class, picking on students, verbal abuse, being overly critical of students  
21 and singling them out. Other issues regarding Simmons’ teaching were also  
22 documented, including Simmons’ misuse of sick leave, failing to prepare for  
23 substitute teachers, failing to submit grades on time, and the mishandling of school  
24 finances, to name a few. The district attempted to correct Simmons’ behavior by  
25 providing multiple “Letters of Direction”, “Goal Setting” sessions, “Letters of  
26 Reprimand” and a “Program of Assistance” over a period of several years.

### 27 **CONCLUSIONS OF LAW**

28 Simmons’s conduct as described in section two (2) above constitutes gross neglect of  
29 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR  
30 584-020-0010(1) (*Recognize the worth and dignity of all persons and respect for each*  
31 *individual*), OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(1)

1 *(The competent educator is a person who understands students and is able to relate to*  
2 *them in constructive and culturally competent ways. The competent educator establishes*  
3 *and maintains good rapport), OAR 584-020-0030(2)(b) (Skill in communicating with*  
4 *administrators, students, staff, parents, and other patrons); and OAR 584-020-0040(4)(o)*  
5 *as it incorporates OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries*  
6 *with students in conduct and conversations at all times).*

7  
8 Simmons's conduct as described in section three (3) above constitutes gross neglect  
9 of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR  
10 584-020-0010(5) *(Use professional judgment)*, OAR 584-020-0025(2)(e) *(Using district*  
11 *lawful and reasonable rules and regulations)*; and OAR 584-020-0040(4)(o) as it  
12 incorporates OAR 584-020-0035(2)(c) *(Strive for continued improvement and*  
13 *professional growth)*.

14  
15 The Commission's authority to impose discipline in this matter is based upon ORS  
16 342.175.

17 **FINAL ORDER**

18 The Commission hereby revokes Jeffrey R Simmons' Right to Apply for an Educator  
19 license.

20 IT IS SO ORDERED THIS 22<sup>nd</sup> day of October, 2013.

21 TEACHER STANDARDS AND PRACTICES COMMISSION



22 By: \_\_\_\_\_  
23 Victoria Chamberlain, 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.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Jeffrey R Simmons  
2337 NW 6<sup>th</sup> St  
Bend, OR 97701-1189

Dated this 22<sup>nd</sup> day of October, 2013.

By: Patty Liddell  
Patty Liddell  
Investigative Assistant