

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON
3

4 In the Matter of the) DEFAULT ORDER OF
5 Teaching License of) REVOCATION OF
6 JAMES A. BOWLER) RIGHT TO APPLY
7

8 On September 14, 2010, the Teacher Standards and Practices Commission

9 (Commission) issued a Notice of Opportunity for Hearing to James A. Bowler (Bowler) in which
10 the Commission charged him with Gross Neglect of Duty pursuant to OAR 584-020-0040(4)(n)
11 as it incorporates OAR 584-020-0010(1), OAR 584-020-0010(5), OAR 584-020-0025(2)(c), and
12 OAR 584-020-0030(2)(b); and OAR 584-020-0040(4)(c). The Notice was sent via U.S. First
13 Class Mail and U.S. Certified Mail Receipt 7010 0290 0001 6831 4404 to the address on file
14 with the Commission. The Certified mail was returned unclaimed after three attempted
15 deliveries on September 16th, 21st and October 1, 2010. The Regular Mail was not returned
16 indicating that the address on file with the Commission was correct, and is therefore assumed
17 delivered. The Notice of Opportunity of Hearing, dated September 14, 2010, and signed by
18 Victoria Chamberlain, Executive Director, stated:

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

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

31 **FINDINGS OF FACT**
32

- 33 1. Bowler has been licensed as a teacher in Oregon since April 3, 1991. Bowler's current
34 Continuing Teaching License issued on December 27, 2004, expired on November 17, 2009.

1 During all relevant times, Bowler was employed by the Grant County Educational Service
2 District (ESD) and the North Central Education Service District (ESD).

3
4 2. On August 28, 2006, the Speech Language Pathology and Audiology Board revoked Bowler's
5 license for violations of professional and ethical standards. Specifically the Board determined
6 that Bowler failed to provide competent service when he failed to fully evaluate students; failed
7 to use all appropriate resources, including referral when he did not perform or complete
8 evaluations of students; and when he failed to maintain accurate records by including duplicate
9 information in student files.

10
11 3. While employed by the Grant County ESD Bowler made inappropriate comments to female
12 colleagues TC and JW. These comments included but are not limited to:

13 a. In response to learning that JW was pregnant telling her that she should breastfeed her
14 child and that, "There's no question about it, you have to do it, it's the best thing you can
15 do for your baby, it's the most wonderful bond you and your baby will have." And, "I have
16 a pill that I want to give you that will make your baby smart, but I'll wait until you have the
17 baby first."

18 b. You commented to TC, "You have really nice legs; you should wear dresses more
19 often."

20 c. Upon TC telling you about an unusual dream she had you made a comment about
21 Freud. When she responded that she did not understand your comment, you drew a
22 penis on the chalk board.

23 d. Upon learning that one of TC's students had just turned seven years old, you
24 commented, "Why don't you call me in ten years."

25 These female colleagues filed complaints against Bowler with the district as a result of
26 these comments.

27
28 **CONCLUSIONS OF LAW**

29 Mr. Bowler's conduct as described in paragraph 2 above, constitutes gross neglect of duty in
30 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
31 *professional judgment*) and OAR 584-020-0025(2)(c) (*Using and maintaining student records as*
32 *required by federal and state law and district policies and procedures*); and OAR 584-020-0040(4)(c)
33 (*Knowing falsification of any document or knowing misrepresentation directly related to licensure,*

1 employment, or professional duties). This conduct also violates ORS 342.175(1)(e), and constitutes
2 gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(Gross unfitness is any
3 conduct which renders an educator unqualified to perform his or her professional responsibilities.
4 Conduct constituting gross unfitness may include conduct occurring outside of school hours or off
5 school premises when such conduct bears a demonstrable relationship to the educator's ability to fulfill
6 professional responsibilities effectively).

7 Mr. Bowler's conduct as described in paragraph 3 above constitutes gross neglect of
8 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-
9 020-0010(1) (Recognize the worth and dignity of all persons and respect for each individual),
10 OAR 584-020-0010(5) (Use professional judgment), and OAR 584-020-0030(2)(b) (Skill in
11 communicating with administrators, students, staff, parents, and other patrons).

12 The Commission's authority to impose discipline in this matter is based upon ORS
13 342.175.

14 **FINAL ORDER**

15 The Commission hereby revokes James A. Bowler's right to apply for an educator
16 license.

17 IT IS SO ORDERED THIS 5th day of November, 2010.

18 TEACHER STANDARDS AND PRACTICES COMMISSION

19
20
21 By: 
22 Victoria Chamberlain, Executive Director

23
24
25
26
27 **NOTICE OF APPEAL OR RIGHTS**

28
29 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
30 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
31 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
32 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:

James A. Bowler
PO Box 725
John Day OR 97845

Dated this 16th day of June, 2011.

By: Melody Hanson
Melody Hanson
Executive Assistant