

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2 OF THE STATE OF OREGON

3 In the Matter of the
Teaching License of

4 LUCE MCGRAW
5

Case No.

STIPULATION AND ORDER OF
PROBATION

6 The Teacher Standards and Practices (Commission) issued a Notice of Opportunity for
7 Hearing on May 13, 2004 to Luce McGraw. Ms. McGraw requested a hearing to contest the
8 allegations contained in the Notice.

9 After a review of the matters alleged, the Commission and Ms. McGraw have agreed that
10 their respective interests, together with the public interest, are best served by a stipulation to
11 certain facts and the issuance of a public reprimand and order of probation.

12 In entering into this stipulation, Ms. McGraw waives her right to a hearing and
13 understands that the Commission will issue a public reprimand and place her on probation for
14 three years. This stipulation and proposed order are contingent on approval by the full
15 Commission. If the Commission does not approve this stipulation and order, it is understood that
16 any waiver of rights by Ms. McGraw is therefore revoked. It is further understood that the
17 statements contained in this stipulation may not be used by either the Commission or Ms.
18 McGraw for any reason if the Commission fails to approve the stipulation and proposed order.

19 **STIPULATION OF FACTS**

20 Ms. McGraw and the Commission stipulate as follows:

21 1. Ms. McGraw holds an Oregon Basic Teaching License with endorsements in
22 basic elementary and basic art.


1 2. Ms. McGraw has been employed in various long-term substitute teaching
2 assignments from March 19, 1995 to the present.

3 3. In the summer of 2002, Ms. McGraw was offered a teaching assignment with the
4 North Bend School District contingent on her successful completion of a drug-screening test.
5 Ms. McGraw tested positive on the test for the presence of marijuana mabatabolite. As a result,
6 the district withdrew its offer of employment.

7
8 
Luce McGraw

Date

9/30/2004

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10 
Victoria Chamberlain, Executive Director
Teacher Standards and Practices Commission

Date

10-05-04

11
12 **CONCLUSIONS OF LAW**

13 Luce McGraw tested positive for marijuana ^{ew}mabatabolite in a drug-screening test that
14 was part of her application for employment with the North Bend School District. Her positive
15 test result constitutes gross neglect of duty in violation of OAR 584-020-0040(4)(g).

16 **ORDER**

17 The Commission imposes a public reprimand on Luce McGraw, and this Order shall
18 serve as the public reprimand. In addition, the Commission places Ms. McGraw on probation for
19 a period of three years. Conditions of probation are as follows:

20 1) Within thirty days of the date of this Order, Ms. McGraw shall at her own
21 initiative and expense, undergo an evaluation by a mental health professional who is acceptable
22 to the Commission to determine Ms. McGraw's need for alcohol or drug treatment. Ms.
23 McGraw shall furnish the evaluator with a copy of this order and any other information which
the evaluator deems pertinent. The evaluation shall include the administration of urinalysis or

1 other drug testing as deemed appropriate by the evaluator. Following the evaluation, the
2 evaluator shall submit a report directly to the Commission. The report shall contain a description
3 of the evaluator's processes in conducting the evaluation and the evaluator's findings. The
4 evaluation shall also contain a recommendation as to whether Ms. McGraw should participate in
5 continuing drug and/or alcohol treatment. The evaluation shall also contain a statement as to
6 whether Ms. McGraw has an underlying drug or alcohol-related condition that would prevent her
7 from meeting her professional responsibilities as a public school teacher.

8 2) Ms. McGraw shall continue with ongoing drug-alcohol treatment as
9 recommended by the evaluator. Such continuing treatment shall include periodic random
10 urinalysis if recommended by the evaluator. Failure of Ms. McGraw to comply with any request
11 for random urinalysis or failure to pass a urinalysis test shall be a violation of probation.

12 3) If continuing treatment is recommended by the evaluator, Ms. McGraw shall
13 submit to the Executive Director reports of her compliance with the treatment plan; such reports
14 shall be submitted every six months on or before the following dates: April 1, 2005; October 1,
15 2005; April 1, 2006; and October 1, 2006.

16 4) Ms. McGraw shall abstain from the use of any controlled substances, except as
17 prescribed by her treating physician. Ms. McGraw shall abstain from the consumption of alcohol
18 if recommended by her evaluator or by her treatment providers.

19 Ms. McGraw shall comply with all Standards for Competent and Ethical Performance
20 under OAR 584 Division 020.

1 IT IS SO ORDERED this 7 day of October, 2004

2 TEACHER STANDARDS AND PRACTICES COMMISSION

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4 By: Victoria Chamberlain
5 Victoria Chamberlain, Executive Director

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