

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

In the Matter of the)
Educator License of)
LARRY P. WHITSON)

On November 7, 2022, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Larry P. Whitson (Whitson) in which the Commission charged him with Gross Neglect of Duty and/or Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7021 0350 0000 8184 4023 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified Mail was not returned to the Commission, and assumed delivered. The regular First Class mail was not returned to the Commission, and assumed delivered. The Notice of Opportunity of Hearing, dated November 7, 2022, and signed by Anthony Rosilez, Executive Director, stated:

“IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING, WITHDRAW YOUR REQUEST FOR HEARING, OR IF YOU FAIL TO APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE.”

On November 18, 2022, Whitson contacted the Commission by phone and declined a hearing. The Commission, therefore, finds Whitson to be in default and enters the following findings of fact, conclusions of law, and final order, based on the files and records of the Commission concerning this matter.

FINDINGS OF FACT

1. The Commission has licensed Larry P. Whitson since December 8, 2016. Whitson currently holds a Substitute Teaching License, with an endorsement in Substitute (PK-12), valid from July 218, 2021, through July 27, 2024. During all relevant times, Whitson was employed by the Eagle Point School District (EPSD).

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- 2 2. On December 13, 2021, the Commission received a report from EPSD indicating
- 3 Whitson had engaged in conduct that may be considered gross neglect of duty
- 4 and/or gross unfitness. Specifically, the district alleged Whitson engaged in
- 5 inappropriate physical contact with a student while attempting to direct a student
- 6 to the Eagle Point Middle School gymnasium.
- 7
- 8 3. Investigation found that on December 1, 2021, a student from the seventh period
- 9 physical education class went to the restroom. When the student exited the
- 10 restroom into the hallway, Whitson verbally instructed the student return to the
- 11 gymnasium, and pointed in the direction of the gymnasium. The student did not
- 12 comply. Instead, the student turned and began walking away from the
- 13 gymnasium. Whitson began moving towards the student. When Whitson caught
- 14 up to the student, he grabbed the shoulder of the student's hooded sweatshirt and
- 15 attempted to pull the student towards the gymnasium by holding the student's
- 16 arm. While walking towards the gymnasium, the student pulled away from
- 17 Whitson's grip and Whitson fell to the floor. Whitson stood up, grabbed the
- 18 student by the wrist and again began pulling the student towards the gymnasium.
- 19
- 20 4. On June 16, 2022, a Commission investigator sent a letter by Certified and First
- 21 Class mail notifying Whitson of his requirement to participate in a Commission
- 22 interview, and that if he failed to participate, it could result in discipline. On June
- 23 23, 2022, Whitson contacted the investigator and declined to participate in an
- 24 interview and Whitson declared he was no longer in the teaching profession.

25 **CONCLUSIONS OF LAW**

26

27 The conduct as described in section three (3) above, constitutes gross neglect of

28 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates

29 OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0020(2)(d) (*Skill in*

30 *the supervision of students*), OAR 584-020-0025(2)(e) (*Using district lawful and*

31 *reasonable rules and regulations*), and OAR 584-020-0040(4)(d) (*Unreasonable*

32 *physical force against students, fellow employees, or visitors to the school, except as*

33 *permitted under ORS 339.250*).

1 The conduct described in section four (4) above constitutes gross neglect of duty
2 in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR
3 584-020-0040(4)(p) (*Subject to the exercise of any legal right or privilege, failure or*
4 *refusal by an educator under investigation to respond to request for information, to*
5 *furnish or to participate in interviews with a Commission representative relating to a*
6 *Commission investigation*).

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

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10 **FINAL ORDER**

11 The Commission hereby revokes Larry P. Whitson's educator license.

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13 IT IS SO ORDERED THIS 23 day of November, 2022.

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15 TEACHER STANDARDS AND PRACTICES COMMISSION

16 By: Anthony J. Rosilez
17 Dr. Anthony Rosilez, Executive Director
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20 **NOTICE OF APPEAL OR RIGHTS**

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22 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
23 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
24 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
25 ORS 183.482 TO THE OREGON COURT OF APPEALS.