1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
3 4 5 6 7 8	In the Matter of the) DEFAULT ORDER OF Teaching License of) LICENSE REVOCATION LOURDES R. SYLVESTRE)
9	On July 1, 2009, the Teacher Standards and Practices Commission (Commission)
10	issued a Notice of Opportunity for Hearing to Lourdes R. Sylvestre (Sylvestre) in which the
11	Commission charged her with Gross Neglect of Duty pursuant to OAR 584-020-0040(4)(d), (n)
12	and (o). The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7008
13	1140 0002 8580 9386 to the address on file with the Commission. The U.S. Postal Service had
14	not returned the certified mail receipt to the Commission as of July 24, 2009. The first class
15	mail was not returned to the Commission. The Notice of Opportunity of Hearing, dated July 1,
16	2009, and signed by Victoria Chamberlain, Executive Director, stated:
17 18 19 20	"You, Lourdes R. Sylvestre, are entitled to a hearing on the proposed action of the Commission. If you want a hearing, you must file a written request for a hearing with the Commission within 21 days of the date of this notice."
21	Ms. Sylvestre did not request a hearing. The Commission, therefore, finds Ms. Sylvestre to be
22	in default and enters the following findings of fact, conclusions of law and order, based on the
23	files and records of the Commission concerning this matter.
24	FINDINGS OF FACT
25	1. Ms. Sylvestre was first licensed by the Commission on March 8, 2004. She currently
26	holds an Initial I Teaching License, with an endorsement in Spanish, effective from
27	October 18, 2006 to October 4, 2010.
28	2. On April 18, 2007, in a conversation with another teacher at South Albany High School,
29	Ms. Sylvestre threatened to shoot the school principal.
30	3. On April 10, 2007, Ms. Sylvestre slapped a female student on the buttocks.
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1	CONCLUSIONS OF LAW
2	Threatening the school principal constitutes gross neglect of duty under ORS
3	342.175(1)(b) in violation of OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
4	0010(5) (Use professional judgment).
5	Slapping a student on the buttocks constitutes gross neglect of duty under ORS
6	342.175(1)(b) in violation of OAR 584-020-0040(4)(d) (Unreasonable physical force against
7	students, fellow employees, or visitors to the school, except as permitted under ORS
8	339.250). This conduct also violates OAR 584-020-0040(4)(o) as it incorporates OAR 584-
9	020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and
10	conversations at all times).
11	FINAL ORDER
12	The Commission hereby revokes Lourdes R. Sylvestre's Initial Teaching License.
13	IT IS SO ORDERED THIS // day of August, 2009.
14	TEACHER STANDARDS AND PRACTICES COMMISSION
15 16 17 18 19 20 21 22	By: Manherlain, Executive Director
23 24	NOTICE OF APPEAL OR RIGHTS
25 26 27 28 29	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE 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:

Lourdes R. Sylvestre 2685 Ruthe Duarte Avenue Las Vegas NV 89121

Dated this lpha

_day of May, 2010.

By:

Melødy Hanson