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OF THE STATE OF OREGON

APR 22 2019

In the Matter of the
Educator License of
CARL F. SANDER

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STIPULATION OF FACTS AND
FINAL ORDER OF SUSPENSION

Teacher Standards &
Practices Commission

On October 6, 2017, the Teacher Standards and Practices Commission (Commission) received a report from the North Clackamas School District (NCSD) alleging that Carl F. Sander (Sander) had violated Professional Standards and Practices.

After review of the matters alleged, Sander and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the imposition of a thirty (30) day suspension of Sander's Oregon educator license.

This document sets forth the facts upon which the parties have agreed and the stipulated sanction to be imposed. Sander stipulates that there is sufficient evidence in the Commission's files and records to support the findings of fact, conclusions of law, and order set forth below.

By signing below, Sander acknowledges, understands, stipulates, and agrees to the following:

- (i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Suspension (Stipulation and Final Order);
- (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission;
- (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Sander nor the Commission are bound by the terms herein;
- (iv) he has fully read this Stipulation and Final Order, and understands it completely;
- (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below;
- (vi) he states that no promises or representation has been made to induce him to sign this Stipulation and Final Order; and
- (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with

regard to his rights thereto, or waives any and all rights to consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

STIPULATION OF FACTS

- 1) Sander has been licensed as an Educator in Oregon since January 10, 2003. Sander holds a Professional Teaching License, with endorsements in Foundational Mathematics (PK-12) and Health (PK-12), valid from May 29, 2016 through May 28, 2021. Sander also hold a License for Conditional Assignment, with an endorsement in Physical Education (PK-12), valid from July 13, 2018 through June 30, 2019. During all relevant times, Sander was employed by the North Clackamas School District (NCS D).
- 2) On October 6, 2017, the Commission received a report from NCS D indicating Sander engaged in pushing a student after being specifically directed, by prior directive, not to engage students physically. These directives included, "You (Sander) will not touch students when redirecting behavior or disciplining;" Sander shall maintain a classroom environment conducive to learning; not express frustration through body gestures, physical interaction, or excessive voice tone; use his walkie talkie when needing assistance; and complete additional training related to the directives.
- 3) On September 28, 2017, student AP and another student had been off task, standing on one leg, while pushing each other back and forth. Previously, and on several occasions, Sander had verbally redirected their behavior, to which they complied only to return to off task behavior soon after. On this occasion Sander approached AP and the other student from behind making physical contact with AP with his hand on AP's shoulder. AP and other student witnesses described Sander's contact as a push, hard enough to hurt, and caused AP to stumble and nearly fall over. Sander asserts he was merely putting his arms out to prevent a fight and that any contact with student AP was an accident. According to witnesses, during this event, Sander did not attempt to verbally redirect the students prior to his physical contact with AP although Sander recollects that he did verbally redirect the students first. Sander did verbally redirect the students after his physical interaction with AP.


NCS D determined Sander's conduct with AP violated district policy and Sander's March 21, 2017, directives.

IT IS SO STIPULATED:



Carl F. Sander

4/18/2019
Date



Trent Danowski, Deputy Director
Teacher Standards and Practices Commission

4/23/2019
Date

CONCLUSIONS OF LAW

Carl F. Sander's conduct described above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1) (*Recognize the worth and dignity of all persons and respect for each individual*), OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0020(2)(d) (*Skill in the supervision of students*), OAR 584-020-0025(2)(a) (*Establishing and maintaining classroom management that is conducive to learning*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*); and OAR 584-020-0040(4)(d) (*Unreasonable physical force against students, fellow employees, or visitors to the school, except as permitted under ORS 339.250*).

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

ORDER

The Commission hereby adopts and incorporates herein the above stipulation of facts, conclusions of law, and based thereon hereby imposes a thirty (30) day suspension of Sander's Oregon educator licenses following the adoption of this order.

IT IS SO ORDERED this 19 day of June, 2019.

TEACHER STANDARDS AND PRACTICES COMMISSION

By:  _____
Dr. Anthony Rosilez, Executive Director