1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 4 In the Matter of the Educator License of DEFAULT ORDER OF 5 SUSPENSION OF RIGHT TO APPLY RAYMOND F. COLE ) 6 ) FOR LICENSURE 7 8 9 On September 4, 2019, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Raymond F. Cole (Cole) in which the Commission 10 charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. 11 12 Certified Mail Receipt 7018 1830 0001 6178 6421 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 13 Certified Mail receipt was not returned to the Commission. The regular, first class mail was not 14 returned to the Commission, and both are assumed to have been delivered. The Notice of 15 Opportunity of Hearing, dated September 4, 2019, and signed by Anthony Rosilez, Executive 16 17 Director, stated: "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, 18 19 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF 20 21 YOU DO NOT REQUEST A HEARING, WITHDRAW YOUR REQUEST FOR HEARING, IF 22 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 23 WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR 24 25 OTHER DISCIPLINE." 26 Cole did not request a hearing. The Commission, therefore, finds Cole to be in default and enters the 27 following findings of fact, conclusions of law, and final order, based on the files and records of the 28 29 Commission concerning this matter. 30 FINDINGS OF FACT 31 32 1. Raymond Cole has been licensed by the Commission since June 8, 2017. Cole held a 33 Restricted Career and Technical Education I Teaching License, with an endorsement in Agriculture, Food and Natural Resource Systems; Natural Resources Management (CTE PK-34 35 12), valid from June 8, 2017 through June 7, 2018. During all relevant times, Cole was 36 employed by the Eugene School District (ESD) at the Early College and Career Options 37 (ECCO) School. 2. On August 15, 2018, the Commission received a report from the ESD alleging Cole violated 38 39 professional standards when inadequately supervising an overnight field trip. Specifically,

that Cole made poor decisions and violated district policy during an overnight whitewater

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rafting field trip for alternative high school students in an outdoor recreation CTE program, which contributed to students being endangered. Cole and another teacher were jointly responsible for the planning and execution of the event. Investigation determined the following:

- a. On June 14, 2018, during the rafting portion of the trip, a student tipped her kayak and became pinned under a log, nearly drowning. Cole failed to immediately notify school administrators, parents or medical providers of the accident as required by policy, even after reaching reliable cellular coverage.
- b. Because the trip was co-ed and included at-risk students, including one student (CS) under the care of the Oregon Youth Authority (OYA), special plans had been made to ensure everyone's safety. These plans included organizing the locations where students would sleep and conducting regular nighttime bed checks. The other educator went to bed at 9:00pm. At that time, student CS was with the rest of the group around the campfire. Cole went to bed at approximately 9:30pm. Student CS, as well as other students, were known to be visiting in a tent occupied by female students (AA) and (AE) when Cole retired. Though some bed checks occurred, the safety plans regarding student sleeping arrangements and bed checks were not properly followed, and CS did not receive the extra scrutiny required and planned for.
- c. At approximately 5:30 am, student AA reported to Cole that she was inappropriately (sexually) touched by CS during the night while in her tent. It was decided that AA should be taken home, and Cole provided her a ride back to her vehicle. The other educator instructed Cole to also contact school officials and AA's parents while driving AA home and brief them on the situation. Cole failed to do so, and Administration first learned of the incidents shortly thereafter when contacted by returning student AA. Subsequently, the remainder of the trip was cancelled.
- d. As a result of Cole's policy violations, school district officials sought disciplinary action against Cole. Cole resigned his employment with the district on September 28, 2018. CS's conduct was subsequently reported to law enforcement, and no criminal charges were filed.
- 3. On March 20, 2019, a Commission investigator sent Cole a letter by First class and Certified Mail, requesting a formal interview. On April 26, 2019, the investigator left a voicemail for Cole, again requesting Cole make contact regarding an interview. On April 29, 2019, Cole contacted the investigator and advised he would not be participating in any interviews. Cole

1	was informed that failing to participate in an interview could result in discipline against his
2	license, and Cole again declined to be interviewed.
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4	CONCLUSIONS OF LAW
5	Cole's conduct described in sections two (2) (a-d), above constitutes gross neglect of duty in
6	violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5)
7	(Use professional judgment), OAR 584-020-0020(2)(d) (Skill in the supervision of students); OAR
8	584-020-0025(2)(e) (Using district lawful and reasonable rules and regulations).
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10	Cole's conduct described in section three (3), above constitutes gross neglect of duty in
11	violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
12	0040(4)(p) (Subject to the exercise of any legal right or privilege, failure or refusal by an educator
13	under investigation to respond to requests for information, to furnish documents or to participate
14	in interviews with a Commission representative relating to a Commission investigation).
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16	The Commission's authority to impose discipline in this matter is based upon ORS 342.175.
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18	FINAL ORDER
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20	The Commission hereby suspends Raymond F. Cole's right to apply for licensure for a period
21	of six (6) months, to begin upon the date this order is signed and in effect.
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24	IT IS SO ORDERED THIS 7th day of October, 2019.
25	TEACHER STANDARDS AND PRACTICES COMMISSION
26 27 28 29 30 31 32 33 34	By:

NOTICE OF APPEAL OR RIGHTS
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.