

1 consulted with an attorney regarding this Stipulation and Final Order and has been fully
2 advised with regard to his rights thereto, or waives any and all rights to consult with an
3 attorney prior to entering into this Stipulation and Final Order and issuance and entry of
4 the Stipulated Final Order below.

5
6 **STIPULATION OF FACTS**

7 1. The Commission has licensed Keller since December 30, 2013. Keller held a
8 Limited Teaching License, with an endorsement in Physical Education - Dance
9 Only (PK-12), valid from May 31, 2017, through May 30, 2020. On May 28, 2020,
10 Keller made application for renewal of his licensure, his renewal was pended until
11 the investigation process was completed. During all relevant times, Keller was
12 employed by Portland Public Schools (PPS).

13
14 2. On June 21, 2019, the Commission received a report from PPS alleging Keller
15 may have committed acts of gross neglect of duty and/or gross unfitness.
16 Specifically, that Keller had used unnecessary physical force with students, made
17 inappropriate comments to students and entered the female locker room on two
18 occasions.

19
20 3. Investigation established Keller had a pattern of poor professional judgement and
21 inappropriate interactions with students dating back to 2016 which included the
22 following incidents:

23
24 a. On January 29, 2016, Keller was involved in an incident in the school
25 gymnasium in which a student initially punched Keller in the chest. Multiple
26 witnesses observed Keller and the student scuffling and falling to the floor.
27 Keller fell on top of the student, whose arm was pinned in the fall. Keller told
28 the student not to hit him again and the student said "ow" several times
29 before Keller disengaged.

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31 b. On May 24, 2018, Keller was involved in an incident in the school gymnasium
32 in which a student challenged Keller to dunk a basketball over him. The
33 student attempted to do this and in the process, Keller was elbowed by the
34 student causing an injury to Keller's lip. Keller uttered some profanity to
35 himself after his lip was injured. Keller challenged the student to dunk over

1 him again. Then, the student posted up, Keller stepped aside, and the student
2 lost his footing. Keller reached out in an attempt save him from falling. In a
3 raised voice, Keller cursed to himself and then exited the gymnasium.
4

5 c. At the end of a school day in late November 2018, Keller was monitoring
6 students getting on busses. While Keller was speaking with a school
7 administrator, a student approached him and attempted to get his attention.
8 Keller made hand gestures and verbally asked the student to wait, rather than
9 interrupting. The student ignored Keller and continued attempting to get his
10 attention. Keller then grabbed the student's arm for several seconds. The
11 student attempted to pull free of Keller's grip and said "ow" several times.
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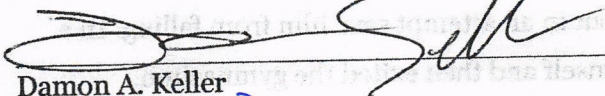
13 d. Keller admitted that on April 4, 2019, he entered the female locker room at
14 school to notify female students they needed to go to class or be counted as
15 tardy. Keller yelled, "Man on the floor" before entering the locker room as
16 there was no female gym teacher who could clear the locker room before
17 class, and this was an approved practice. Keller observed a student's feet in a
18 bathroom stall and approached the stall. Keller said he knew the student was
19 not using the restroom and to hurry out. The female student told staff she was
20 dealing with hygiene concerns and changing her shoes for dance class.
21

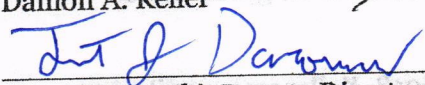
22 e. Keller admitted that on April 5, 2019, he entered the female locker room at
23 school to notify female students they needed to go to class or be counted as
24 tardy. Keller yelled, "Man on the floor" before entering the locker room as
25 there was no female gym teacher who could clear the locker room before
26 class, and this was an approved practice. Keller observed two students' feet in
27 bathroom stalls and approached the stalls. The students reported Keller asked
28 a rhetorical question about the students thinking he was, "stupid". Keller then
29 told the students to get to class. One of the students, the same student
30 involved in the April 4, 2019, incident, told staff she was still dealing with
31 hygiene concerns and changing her shoes for dance class. The other student
32 told staff she was changing her shoes for dance class.

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1 IT IS SO STIPULATED:

2 
3 _____ Date 3/3/2021

4 Damon A. Keller
5 
6 _____ Date 03/08/2021
7 Trent Danowski, Deputy Director
8 Teacher Standards and Practices Commission

9
10 **CONCLUSION OF LAW**

11 The conduct described above constitutes gross neglect of duty in violation of ORS
12 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
13 *professional judgment*), OAR 584-020-0010(1) (*Recognize the worth and dignity of all*
14 *persons and respect for each individual*), OAR 584-020-0020(2)(d) (*Skill in the*
15 *supervision of students*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable*
16 *rules and regulations*; and OAR 584-020-0040(4)(d) (*Unreasonable physical force*
17 *against students, fellow employees, or visitors to the school, except as permitted under*
18 *ORS 339.250*).

19
20 The Commission's authority to impose discipline in this matter is based upon
21 ORS 342.175.

22 **ORDER**

23 The Commission adopts and incorporates herein the above findings of fact and
24 conclusions of law, and based thereon, imposes a public reprimand upon Damon A.
25 Keller's Oregon educator license.

26 Furthermore, the Commission imposes a period of two (2) years of probation
27 upon Keller's licensure to commence from the date this order is signed by the
28 Commission and subject to the following condition:

- 29 1. Within the two-year probation period, Keller will submit proof he successfully
30 completed a TSPC approved training on student de-escalation techniques.
- 31 2. Within the two-year probation period, Keller will submit proof he successfully
32 completed a TSPC approved training on classroom management.
- 33 3. Keller shall comply with the Standards for Competent and Ethical Performance of
34 Oregon Educators under Oregon Administrative Rules Chapter 584, Division
35 020.

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Issued and dated this 2 day of April, 2021.

**TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON**

By  _____

Dr. Anthony Rosilez, Executive Director