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

In the Matter of the) STIPULATION OF FACTS AND
Educator License of) FINAL ORDER OF PUBLIC
JAMES M. AVINO) REPRIMAND AND PROBATION

On June 24, 2022, the Teacher Standards and Practices Commission (Commission) received a report from the David Douglas School District (District) alleging that James M. Avino (Avino) made inappropriate comments to staff and students during the 2021-22 school year at Ron Russell Middle School.

After review of the matters alleged, Avino and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, the imposition of a Public Reprimand on Avino’s license, and a two (2) year period of Probation.

This Order sets forth the facts upon which the parties have agreed and the sanction to be imposed. In entering into this stipulation, Avino waives the right to a hearing to contest the findings of fact, conclusions of law and order set forth below.

By signing below, Avino 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 Public Reprimand and Probation (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 Avino 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 promise 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.

1 **STIPULATION OF FACTS**

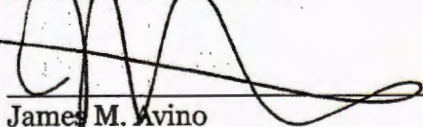
- 2 1. The Commission has licensed Avino since August 16, 1991. Avino holds a
3 Professional Teaching License, with endorsements in Social Studies (PK-12) and
4 Special Education – Generalist (PK-12), valid from October 24, 2019, to February
5 4, 2025. During all relevant times, Avino was employed by the David Douglas
6 School District (DDSD).
7 2. On June 24, 2022, the Commission received a report from the DDSD indicating
8 Avino may have committed acts which constitute gross neglect of duty and/or
9 gross unfitness. Specifically, the report alleged that during the 2021-22 school
10 year, Avino made inappropriate comments to students and staff at Ron Russel
11 Middle School.
12 3. Investigation determined that during the 2021-22 school year, Avino made
13 inappropriate comments to a classroom assistant and to students on several
14 occasions. Avino made comments to female students in his classes about their
15 appearance and referred to them with pet names. These comments made the
16 students uncomfortable. Avino made comments to his classroom assistant which
17 made the assistant uncomfortable and were made in front of students.
18 4. On May 13, 2022, the DDSD placed Avino on administrative leave pending the
19 outcome of the district investigation into the matter. During Avino’s District
20 interview on May 31, 2022, Avino admitted to making some inappropriate
21 comments to students and staff, or that he did not recall specific comments but
22 that the comments and conversations could have happened. During Avino’s
23 Commission interview on June 13, 2023, Avino admitted to making some
24 inappropriate comments to students and staff.

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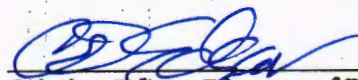
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28 IT IS SO STIPULATED:

29 
30 _____
31 James M. Avino

1/8/24

Date

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33 _____
34 Cristina Edgar, Director of Professional Practices
35 Teacher Standards and Practices Commission
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37

1/11/2024

Date

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CONCLUSION OF LAW

The conduct described in section three (3) 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(5) (*Use professional judgment*), OAR 584-020-0020(2)(d) (*Skill in the supervision of students*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and conversations at all times*).

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

ORDER

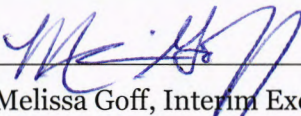
The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a Public Reprimand upon James M. Avino’s Oregon educator license.

Furthermore, the Commission imposes a period of two (2) years of probation upon Avino’s Oregon educator license and subject to the following conditions:

- 1. Avino shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

Issued and dated this 2 day of February 2024.

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

By  _____
Melissa Goff, Interim Executive Director