

1 to consult with an attorney prior to entering into this Stipulation and Final Order and
2 issuance and entry of the Stipulated Final Order below.

3
4 **STIPULATION OF FACTS**

- 5 1. The Commission received an application for an Oregon educator license from
6 Matheny on November 16, 2022. On or about November 22, 2022, Matheny's
7 application was referred internally for an investigation after potentially negative
8 information was identified. Matheny's application was placed on hold pending
9 resolution of the matter.
10
- 11 2. In November 2022, Matheny answered "yes" to several character questions on his
12 Oregon educator licensure application which were related to past investigations
13 for misconduct and adverse actions. On one question, Matheny provided an
14 explanation about using inappropriate language in an email to a parent. On
15 another question, Matheny described an incident investigated by local law
16 enforcement in which a student intentionally gave Matheny a static electric shock
17 from behind and Matheny struck the student with an attendance book. On
18 another question, Matheny wrote his license was suspended for using
19 inappropriate language.
20
- 21 3. On or about November 22, 2022, during a required applicant background check,
22 Commission staff entered Matheny's name in the National Association of State
23 Directors of Teacher Education and Certification clearing house database and
24 learned Matheny had been disciplined in Utah with a one (1) year suspension of
25 his educator license effective August 12, 2016.
26
- 27 4. Investigation found that in September 2010, the Utah Professional Practices Advisory
28 Commission (UPPAC), Utah State Board of Education, issued Matheny a letter of
29 reprimand for an incident investigated by local law enforcement in which a student
30 intentionally gave Matheny a static electric shock from behind and Matheny
31 responded by hitting the student with a rolled-up attendance book, and then directed
32 profanity at the student.
33
- 34 5. Investigation found that in August 2016, UPPAC suspended Matheny's teaching
35 credential for one (1) year for an email he sent to a parent which contained

1 inappropriate language after an incident with a student. UPPAC would not
2 automatically end Matheny's suspension, and that Matheny had to request a
3 reinstatement hearing. As a condition for reinstatement, Matheny was required to
4 complete UPPAC-approved ethics training and anger management training.

- 5
6 6. In Matheny's Commission interview, he said that in February 2015, he completed a
7 district required classroom management training course. In an email Matheny sent to
8 the Commission investigator dated March 6, 2023, he admitted to not applying for
9 reinstatement of his Utah teaching certificate and not enrolling in a UPPAC-approved
10 anger management course. Matheny provided no evidence of enrolling in a UPPAC-
11 approved ethics course. Matheny did provided evidence of partially completing
12 district required classroom management training in February 2015.

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14 IT IS SO STIPULATED:

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16
17 David Matheny May 4, 2023
18 David Matheny Date

19
20
21 Trent Danowski 5/5/2023
22 Trent Danowski, Deputy Director Date
23 Teacher Standards and Practices Commission

24
25 **CONCLUSION OF LAW**

26 The pattern of conduct Matheny displayed in section four (4) and five (5) above,
27 and failed to address as described in sections six (6) above constitutes gross neglect of
28 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR
29 584-020-0010(1) (*Recognize the worth and dignity of all persons and respect for each*
30 *individual*), OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-
31 0020(2)(d) (*Skill in the supervision of students*), OAR 584-020-0025(2)(a)
32 (*Establishing and maintaining classroom management that is conducive to learning*),
33 OAR 584-020-0030(2)(b) (*Skill in communicating with administrators, students, staff,*
34 *parents and other persons*), OAR 584-020-0030(3) (d) (*Skill in reconciling conflict*),
35 and OAR 584-020-0035(2)(c) (*Strive for continued improvement and professional*
36 *growth*).

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

1 **ORDER**

2 The Commission adopts and incorporates herein the above findings of fact and
3 conclusions of law, and based thereon, denies the application of David Matheny for an
4 Oregon educator license.

5 Furthermore, the Commission imposes the following conditions be met prior to
6 Matheny reapplying for an Oregon educator license:

- 7 1. Matheny shall successfully complete a Commission approved training course on
8 anger management and provide the Commission a written record of this.
- 9 2. Matheny shall successfully complete a Commission approved training course on
10 classroom management and provide the Commission a written record of this.

11
12 Issued and dated this 21 day of June, 2023.

13
14 **TEACHER STANDARDS AND PRACTICES COMMISSION**
15 **STATE OF OREGON**

16
17 By  _____
18 Dr. Anthony Rosilez, Executive Director

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21 **NOTICE OF APPEAL OR RIGHTS**

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23 **YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY**
24 **BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE**
25 **SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF**
26 **ORS 183.482 TO THE OREGON COURT OF APPEALS.**