## 1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 In the Matter of the STIPULATION OF FACTS AND 4 FINAL ORDER OF SUSPENSION **Educator License of** ) 5 PATRICK JAMES MC CUSKER ) On or about April 8, 2011, the Teacher Standards and Practices Commission 6 7 (Commission) received information relating to Patrick James McCusker (McCusker). 8 After review of the matters alleged, McCusker and the Commission agree that their 9 respective interests, together with the public interest, are best served by a stipulation to certain 10 facts, the imposition of a one (1) year suspension of McCusker's Oregon Teaching License 11 followed by four (4) years probation and a monitoring period. 12 This document sets forth the facts upon which the parties have agreed and the stipulated 13 sanction to be imposed. McCusker stipulates that there is sufficient evidence in the 14 Commission's files and records to support the findings of fact, conclusions of law, and order set 15 forth below. 16 By signing below, McCusker acknowledges, understands, stipulates, and agrees to the 17 following: (i) he has been fully advised of his rights to notice and a hearing to contest the 18 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all 19 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final 20 Order of Suspension and Probation (Stipulation and Final Order); (ii) this Stipulation and Final 21 Order is a public document and disclosed to the public upon request by the Commission; (iii) 22 this Stipulation and Final Order is contingent upon and subject to approval and adoption by the 23 Commission. If the Commission does not approve and adopt this Stipulation and Final Order, 24 then neither McCusker nor the Commission are bound by the terms herein; (iv) he has fully read 25 this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any 26 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

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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. In entering into this stipulation, McCusker waives the right to a hearing to contest the findings of fact, conclusions of law and order set forth below.

## STIPULATION OF FACTS

- 1. The Commission has licensed Patrick James McCusker since October 4, 1991. McCusker currently holds a Standard Teaching License issued August 6, 2010, with an endorsement in Standard Social Studies (020), which expires on August 5, 2015. During all relevant times, McCusker was employed by the Portland Public School District.
- 2. On or about February 18, 2011, the Commission received a report from the Portland Public School District advising that McCusker had violated Professional Standards. This report indicated that several female students had complained to school administrators alleging sexual harassment by McCusker.
- 3. Investigations determined McCusker said the following to female students in the classroom; referring to the student(s) as "Pretty", calling some female students "Sluts", and asking a grumpy female student if she was pregnant or on her period. Students reported that McCusker discussed inappropriate topics in class related to sexual activities, including McCusker talking about receiving oral sex in the past, and stories of McCusker catching a pair of students having sex on school property. It was also reported that McCusker also suggested to students that, in the past, he would confiscate adult magazines from students and keep them for himself. Several female students reported McCusker, while in class, would look at them intently, rub their shoulders, and generally make them feel creepy.

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1	IT IS SO STIPULATED:
2	Patrick James McCusker Date
4 5 6	Patrick James McCusker  Victoria Chamberlain Executive Director  Teacher Standards and Practices Commission  Date  Date
7	CONCLUSION OF LAW
8	Patrick James McCusker made inappropriate comments to students in the classroom.
9	McCusker's conversations contained content that was outside professional teacher / student
10	boundaries. McCusker's conduct was unwelcome and his behavior created an uncomfortable
11	educational environment that intimidated students. This conduct constitutes gross neglect of
12	duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-
13	020-0010(1) (Recognize the worth and dignity of all persons and respect for each individual),
14	OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-0015(2)(e) (Skill in the
15	selection and use of teaching techniques conducive to student learning), OAR 584-020-
16	0030(2)(b) (Skill in communicating with administrators, students, staff, parents, and other
17	patrons); OAR 584-020-040(4)(l) (Sexual Harassment); and OAR 584-020-0040(4)(o) as it
18	incorporates OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries with
19	students in conduct and conversations at all times).
20 21	The Commission's authority to impose discipline in this matter is based upon ORS 342.175.
22	ORDER
23	The Commission hereby adopts and incorporates herein the above stipulation of facts,
24	conclusions of law, and based thereon hereby imposes a one (1) year suspension upon

McCusker's Standard Teaching License as follows:

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1	Patrick James McCusker's Standard Teaching License is hereby suspended for one (1)
2	year following the adoption of this order. Prior to reinstatement, McCusker must successfully
3	complete sexual harassment training as approved by the Commission.
4	Furthermore, the Commission imposes four (4) years of probation upon McCusker to
5	commence upon reinstatement of his license and subject to the following terms and conditions
6	of probation:
7	1. McCusker shall comply with the Standards for Competent and Ethical Performance
8	of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020
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10	Violation of any term or condition of probation shall constitute an independent basis for the
11	Commission to revoke McCusker's educator license or otherwise impose discipline, after first
12	providing McCusker with notice and opportunity for hearing.
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14	IT IS SO ORDERED this day of November, 2013.
15	TEACHER STANDARDS AND PRACTICES COMMISSION
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17	By: /// (Mambelain
8	Victoria Chamberlain, Executive Director