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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  
Teaching License of ) FINAL ORDER OF SUSPENSION  
DAVID A. IVES )

On November 30, 2010, the Commission received information from Human Resources Legal Counsel for the Portland Public Schools on behalf of Superintendent Carole Smith regarding David Ives (Ives). It was reported that Ives maintained poor classroom management skills and failed to disclose information on his 2004 employment application.

After review of the matters alleged, Ives and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the imposition of a suspension.

By signing below, Ives 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 Suspension (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 Ives 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.

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**STIPULATION OF FACTS**

1. David Ives has been licensed by the Commission since August 19, 2004. Ives currently holds an Initial I Teaching License, with endorsements in Integrated Science (ML) and

- 1 Multiple Subjects (MIDLVL), issued August 20, 2007, with renewal pending the  
 2 outcome of this matter.
- 3 2. Ives was employed by the Portland Public School District from August 2004 through his  
 4 February 8, 2011 resignation.
- 5 3. On November 30, 2010, the Commission received a report from the Portland Public  
 6 Schools advising that Ives had demonstrated poor classroom management and that Ives  
 7 had been dishonest on his application for employment in 2004.
- 8 4. The Commission's investigation determined that Ives answered "no" to the job  
 9 application: "*Have you ever . . . been refused continuing employment?*" However, Ives  
 10 had been refused continuing employment by the Berkeley Hall School in California after  
 11 the 2003-2004 school year when he was not given a new contract for the 2004-2005  
 12 school year.
- 13 5. The Commission's investigation determined that Ives had serious problems with  
 14 classroom management during the 2010-2011 school year at Portland Public Schools.  
 15 Ives is soft-spoken and has had difficulty controlling behavior problems in his classes.  
 16 Due to FTE reductions in his building in 2009, Ives was transferred to a new school for  
 17 the 2009-2010 school year. Classroom management problems escalated significantly  
 18 there, and the students proved to be more of a challenge for Ives. At the end of the  
 19 2009-2010 school year, it was determined that Ives should be placed on a Plan of  
 20 Assistance (POA) for the 2010-2011 school year.
- 21 6. The POA was developed in October 2010, but the District placed Ives on administrative  
 22 leave on November 12, 2010, due to concerns about student safety. The specific concerns  
 23 included physical altercations between students, students leaving the classroom without  
 24 permission, multiple calls by Ives to the office for assistance, and a disproportionate  
 25 number of discipline referrals by Ives.
- 26 7. Ives resigned his employment with Portland Public Schools effective February 8, 2011.

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29 IT IS SO STIPULATED:

30 David A. Ives

31 David A. Ives

9/19/2012  
 Date

32 Victoria Chamberlain

33 Victoria Chamberlain, Executive Director  
 34 Teacher Standards and Practices Commission

9-25-12  
 Date

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**CONCLUSION OF LAW**

David A. Ives answered his 2004 Portland Public Schools job application untruthfully by answering “no” to the question “*Have you ever . . . been refused continuing employment?*” This conduct 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*) and OAR 584-020-0040(4)(c) (*Knowing falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties*).

Ives’ problems with classroom management and student supervision created risk to students, hindered learning, and were serious enough to constitute 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*) and OAR 584-020-0025(2)(a) (*Establishing and maintaining classroom management that is conducive to learning*).

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

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**ORDER**

The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a six-month suspension on David A. Ives’ Initial I Teaching License as follows:

David A. Ives’ Initial I Teaching License is hereby suspended for six (6) months following the adoption of this order.

Furthermore, the Commission imposes a four (4) year probation upon Ives to commence the date of adoption of this order and subject to the following terms and conditions of probation:

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1. Ives shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.
2. As a condition of reinstatement, Ives will submit proof of successful completion of, or current enrolment in, a Classroom Management course from a Commission approved teacher preparation program, or an alternative course, and/or from another institution, upon the pre-approval of the Executive Director.
3. As a condition of reinstatement, Ives will submit proof of his participation in, and evidence of his successful completion of a work sample in a practicum placement in science methods from a Commission approved teacher preparation program; or alternatively, Ives will provide proof by validated Professional Educator Experience Report (PEER) form, that he completed one hundred and twenty (120) hours of classroom observations related to his field and classroom endorsement grade level (MIDLVL).

Issued and dated this 5<sup>th</sup> day of November, 2012.

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

By   
Victoria Chamberlain, Executive Director