22

25

26

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

OF THE STATE OF OREGON

3 4 5	In the Matter of the) STIPULATION OF FACTS, Teaching License of) FINAL ORDER OF REPRIMAND KEVIN RICHARD SWIFT) AND PROBATION
6	On July 29, 2005, the Teacher Standards and Practices Commission (Commission)
7	received a report from Tom Denning, Superintendent, Central Curry School District indicating
8	that Kevin Richard Swift (Swift) may have engaged in inappropriate communication with a
9	female student.
10	Mr. Swift fully cooperated with the Commission's investigation. After review of the
11	matters alleged, Mr. Swift and the Commission agree that their respective interests, together
12	with the public interest, are best served by a stipulation to certain facts, the imposition of a
13	Public Reprimand followed by a two (2) year Probation.
14	This document sets forth the facts upon which the parties have agreed and the
3	stipulated sanction to be imposed. Mr. Swift stipulates that there is sufficient evidence in the
16	Commission's files and records to support the findings of fact, conclusions of law, and order set
17	forth below.
18	By signing below, Mr. Swift acknowledges, understands, stipulates, and agrees to the
19	following: (i) he has been fully advised of his rights to notice and a hearing to contest the
20	findings of fact, conclusions of law, and order set forth below, and fully and finally waives all
21	such rights and any rights to appeal or otherwise challenge this Stipulation of Facts, Order of

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,

Reprimand and Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a

then neither Mr. Swift 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 promises 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.

STIPULATION OF FACTS

- 1. Mr. Swift has been licensed by the Commission since August 26, 1997. Mr. Swift currently holds an Initial Teaching License valid May 22, 2006, through May 21, 2010, with endorsements in Social Studies and Special Education.
- Mr. Swift began his employment with the Central Curry School District on September
 1, 1998. He currently serves as a Social Studies Teacher and Head Football Coach at Gold Beach High School.
- 3. During the 2004-2005 school year the Curry County Sheriff's Office conducted a sexual abuse investigation regarding the girls' basketball coach at Gold Beach High School. During the criminal investigation Mr. Swift contacted the female student/victim as she was entering his classroom for US History and told her, "...relax things are going to be okay. You need to cooperate with the people. You are going to be okay, you are going to get through this. You have probably heard this before, but you know, sex does not need to be part of teenage relationships. Teenage relationships should be about companionship, friendships and enjoying each other. Teenage girls need to keep their legs crossed." Mr. Swift explained that made these comments to the student/victim because he was concerned about her.
- 4. Additionally, after a football game on October 28, 2005, Mr. Swift angrily confronted two female teachers in the gym prior to the homecoming dance and said, "...we almost lost the fucking game. You guys are through screwing with the players while they are trying to play

1	games." Mr. Swift explained that these teachers involved some of his football players in half-
2	time home coming activities.
3	IT IS SO STIPULATED AND AGREED TO:
4 5	Kevin Richard Swift Date 7/3/66 Date 7-17-06
6 7 8 9	Victoria Chamberlain, Executive Director Teacher Standards and Practices Commission 7-17-06 Date
10	CONCLUSIONS OF LAW
11	Kevin Richard Swift violated OAR 584-020-0040(4)(n) as that rule incorporates OAR
12	584-020-0010(5) and OAR 584-020-0030(2)(b) by failing to demonstrate a commitment to use
13	professional judgment and skill in communicating with a female student and female staff
14	members. This misconduct constitutes Gross Neglect of Duty. The Commission has the
15	authority to impose discipline in this matter under ORS 342.175 through 342.430 and OAR
6	Chapter 584.
17	FINAL ORDER
18	The Commission hereby adopts and incorporates herein the above findings of fact and
19	imposes a Public Reprimand on Kevin Richard Swift. This Order shall serve as the Public
20	Reprimand.
21	Furthermore, the Commission places Mr. Swift on Probation for a period of two (2) years
22	from the date of this order, subject to the condition that he will comply with all Standards for
23	Competent and Ethical Performance of Oregon Educators pursuant to Oregon Administrative
24	Rules Chapter 584, Division 020.
25	Violation of any of the terms of probation shall constitute an independent basis for the
26	Commission to revoke Mr. Swift's teaching license or otherwise impose discipline, after first
27	providing Mr. Swift with notice and opportunity for hearing.
.8	Issued and dated this day of August, 2006.

	TEACHER STANDARDS AND PRACTICES COMMISSION STATE OF OREGON	
3	$\mathcal{A}_{i} = \mathcal{N}_{i}$	
4 5	By	
6	Approved as to form:	
7		
8	<u> </u>	
9	Ralph Wiser OSB# 81423	
10	Attorney for Kevin Richard Swift [062606]	