1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON 3 In the Matter of the STIPULATION OF FACTS. 4 Teaching License of ORDER OF SUSPENSION 5 DAVID CHARLES TITCHENAL AND PROBATION 6 7 On or about May 14, 2002, the Teacher Standards and Practices Commission 8 (Commission) received a report from Walt Blomberg, Executive Director of Personnel and 9 Administrative Services, Woodburn School District, indicating that David Charles Titchenal 10 (Titchenal), a licensed educator, violated Standards by urinating on school property in the 11 presence of students and, by mooning (exposing his buttocks) students and, by "pantsing" 12 (pulling down their shorts) students. 13 After review of the matters alleged, Mr. Titchenal and the Commission agree that their 14 respective interests, together with the public interest, are best served by a stipulation to certain 15 facts and the surrender of his teaching license. This Order sets forth the facts upon which the ز parties have agreed and the sanction to be imposed. In entering into this stipulation, Mr. 17 Titchenal waives the right to a hearing to contest the findings of fact, conclusion of law and 18 order set forth below. Mr. Titchenal understands that the Commission will accept the surrender 19 of his teaching license and will suspend the teaching license for six (6) months. Mr. Titchenal 20 understands that reinstatement of his teaching license after the six (6) month suspension will be 21 subject to specific conditions and a subsequent four (4) year period of probation. 22 STIPULATION OF FACTS 23 1. The Commission has licensed Mr. Titchenal as an Oregon Educator since 24 February 3, 1998. He currently holds a Basic Teaching License with a Basic Physical Education 25 Endorsement issued November 21, 2001, valid until November 5, 2004. 26 2. Mr. Titchenal was employed by Woodburn School District as a Physical Education 27 Teacher at French Prairie Middle School and baseball coach beginning in September of 1998. b Mr. Titchenal resigned on May 22, 2002.

1	3. On or about April 11, 2002, Mr. Titchenal was observed by students on the baseball
2	team urinating in a garbage barrel located behind the backstop in the field behind French Prairie
3	Middle School.
4	4. While serving as a licensed educator and baseball coach Mr. Titchenal had a practice
5	of mooning both players and his physical education students. He has also engaged in pantsing
6	them (pulling down their shorts) during the course of practice or class.
7	5. On or about February 25, 1991, Mr. Titchenal was convicted of Assault IV and
8	Disorderly Conduct in Jackson County District Court, Medford, Oregon.
9	6. Mr. Titchenal accepts responsibility for his actions and acknowledges his behavior
10	was inappropriate.
11	This stipulation is contingent upon approval and adoption of the Order by the
12	Commission. If the Commission does not adopt this Order, neither Mr. Titchenal nor the
13	Commission are bound by these Stipulations and Mr. Titchenal retains all rights to a hearing on
4	the allegations.
15	IT IS SO STIPULATED:
16 17	David Charles Fitchenal Date 8 26/02 Date 8-12-02
18 ₍	The Man land line (8-12-02
19 20	Victoria Chamberlain, Executive Director Date Teacher Standards and Practices Commission
21	CONCLUSIONS OF LAW
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23	David Charles Titchenal's behavior as described in Stipulations 3 and 4 above violate
24	OAR 584-020-0040(4)(f) by creating an intimidating, hostile and offensive educational
	environment for students. This conduct also demonstrated failure to use professional judgment
25	in violation of OAR 584-020-0010(5). This misconduct constitutes Gross Neglect of Duty.
26	Mr. Titchenal's criminal convictions for Assault IV and Harassment are violation of OAR
27	584-020-0040(5)(c). This misconduct constitutes Gross Unfitness. The Commission's authority

to impose discipline in this matter is based upon ORS 342.175.

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ORDER

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The Commission suspends the Oregon Basic Teaching License of David Charles

Titchenal effective October 11, 2002, for a period of six (6) months. At the end of this
suspension period, Mr. Titchenal's teaching license shall be reinstated providing he meets the
following conditions:

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1. Submit complete application with required supporting documentation and fees;

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2. Submit documentation that he has completed (at his own expense), an intensive

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education program regarding appropriate boundaries with students, including sexual

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harassment education conducted by a qualified trainer approved in advance by the

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Commission. This intensive training shall consist of, at least, five (5) one and one-half (1 1/2)

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hour sessions. Mr. Titchenal shall provide the trainer with a copy of this Stipulation of Facts and

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Order of Suspension. The program trainer shall provide the Commission with a report of

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successful program completion; and

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3. Submit documentation that he has undergone an evaluation by a psychotherapist or

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report to the Commission, the report shall contain the following:

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a. A list of the processes and techniques used in the evaluation, e.g. testing, interviews,

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etc., and a list of the materials used and reviewed in the evaluation.

medical professional acceptable to the Commission. The evaluator shall provide a written

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b. A statement of the evaluator's findings and an explanation for the basis of these

c. A statement that, in the professional opinion of the evaluator, Mr. Tichenal is fit to

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findings.

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work with students, and that there is a high probability he will not engage in similar

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inappropriate behavior in the future. Any costs associated with the assessment or

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treatment will be the responsibility of Mr. Titchenal.

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4. At the outset of the evaluation, Mr. Titchenal shall provide a copy of this order and a

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copy of the Woodburn School District's report to the Commission dated May 13, 2002, to the

1	evaluator. Mr. Titchenal shall cooperate in the evaluation which may include testing, interviews
F	and any other activities the evaluator may consider necessary to complete the evaluation.
3	5. The Commission will consider the evaluator's report to be a medical record containing
4	personal information the disclosure of which would constitute an unreasonable invasion of
5	privacy. The Commission agrees not to disclose the report to third parties unless ordered to do
6	so under Oregon law.
7	6. Upon reinstatement of his teaching license, Mr. Titchenal shall be placed on probation
8	for a period of four (4) years, subject to the following conditions:
9	a. That he comply with all Standards for Competent and Ethical Performance under
10	Chapter OAR 584, Division 020.
11	b. Mr. Titchenal shall participate in continuing therapy, counseling or treatment as
12	recommended by the evaluator in paragraph 3 above.
13	c. Mr. Titchenal shall provide consent for his treatment provider to contact the
	Commission or to respond to the Commission's inquiries in order to verify Mr.
15	Tichenal's participation and cooperation in any treatment recommended to the
16	evaluator.
17	Violation of the terms of this probation may constitute an independent basis for the
18	Commission to impose discipline, up to and including revocation of Mr. Titchenal's teaching
19	license subject to Mr. Titchenal's right to a hearing on the issue of whether he violated
20	probation.
21	IT IS SO ORDERED this day of October 2002
22	TEACHER STANDARDS AND PRACTICES COMMISSION
23	matter Charles Cois
24 25	By: Waywa Williamsen Curc Victoria Chamberlain, Executive Director
26	Approved as to form:
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29 20	Thomas K. Doyle, OSB #97251
30	Attorney for David Charles Titchenal [081202]

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