

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 REPRIMAND
5 JACK H. MINYARD) AND PROBATION

6 On November 20, 2003, Jack H. Minyard (Minyard) submitted an application for renewal of a
7 Basic Teaching License to the Teacher Standards and Practices Commission (Commission).

8 Mr. Minyard responded affirmatively to character questions 8, and 10. Mr. Minyard provided an
9 explanation regarding his criminal conviction for Driving Under the Influence on November 14, 2002.

10 After review of the facts in this matter, Mr. Minyard and the Executive Director agree that their
11 respective interests, together with the public interests, are best served by a stipulation to certain facts,
12 the imposition of a Public Reprimand and a four (4) year probation upon issuance of a teaching
13 license.

14 This Order sets forth the facts upon which the parties have agreed and the sanction to be
15 imposed. Mr. Minyard stipulates that there are sufficient facts contained in the Commission's files and
16 records to support the findings of fact and conclusions of law set forth below. In entering into this
17 stipulation, Mr. Minyard waives the right to a hearing to contest the findings of fact, conclusions of law
18 and order set forth below. Mr. Minyard enters into this agreement with the knowledge that the
19 Commission will impose a Public Reprimand and a four (4) year probation with specific conditions.

20 This stipulation is contingent upon approval and adoption of the Order by the Commission. If
21 the Commission does not adopt this Order, neither Mr. Minyard nor the Commission are bound by
22 these Stipulations and Mr. Minyard retains all rights to a hearing on the allegations.

23 **STIPULATION OF FACTS**

24 1. On November 20, 2003, Mr. Minyard submitted an Application For Educator License Form
25 C-1 to the Commission. He responded affirmatively to character questions 8, and 10.

26 2. Mr. Minyard is employed as a teacher for Salem-Keizer Public Schools.

3. On April 23, 2000, Mr. Minyard was arrested for Driving Under the Influence of Intoxicants (DUII) in Albany, Oregon. On June 1, 2000, the Court granted Mr. Minyard a Diversion for DUII. On March 12, 2003, Mr. Minyard completed Diversion and the DUII charge was dismissed in the Circuit Court for the State of Oregon, County of Linn.



4. Mr. Minyard admits that he should have report the pending Diversion to the Commission on C-1 Application for licensure dated November 23, 2000.

5. On November 11, 2002, Mr. Minyard was convicted for Driving Under Influence in Salem Municipal Court.

6. On March 6, 2003, Mr. Minyard successfully completed an outpatient treatment program with Serenity Lane Salem.

7. Mr. Minyard recognizes that he has an alcohol dependency problem.

IT IS SO STIPULATED:

12		<u>3-2-04</u>
13	Jack H. Minyard	Date
15		<u>3-1-04</u>
16	Victoria Chamberlain, Executive Director	Date

CONCLUSION OF LAW

Mr. Minyard's alcohol related criminal conviction and criminal conduct constitute Gross Unfitness as defined in OAR 584-020-0040(5)(c) and OAR 584-020-0040(5)(e). Criminal convictions and criminal conduct, even in the absence of conviction, may be used as evidence to establish an applicant's lack of fitness to serve as an educator pursuant to OAR 584-050-0006 and Gross Unfitness as defined in OAR 584-020-0040(5). On Application C-1 dated November 23, 2000, Mr. Minyard failed to disclose that he had been arrested for DUII and that the Diversion process was still pending in a court. Failure to provide this information constitutes violation of OAR 584-020-0040(4)(c) Gross Unfitness. The Commission's authority to impose discipline in these matters is based upon ORS 342.175.

ORDER

2 The Commission hereby adopts the above stipulation of facts, imposes a Public Reprimand
3 upon Mr. Minyard and authorizes the renewal of a Basic Teaching License. This Stipulation of Facts,
4 Order and Probation constitute the Reprimand.

5 Furthermore, the Commission imposes a four (4) year probation upon Mr. Minyard subject to
6 the following terms and conditions:

7 1. Mr. Minyard shall, at his own initiative and expense, continue to obtain treatment
8 for his alcohol dependency as recommended by his alcohol treatment provider;

9 2. During the period of his probation, Mr. Minyard shall comply with the terms of the treatment
10 and aftercare plans. Mr. Minyard shall abstain from the consumption of alcohol;

11 3. During the period of his probation, Mr. Minyard shall submit to the Executive Director of the
12 Commission reports of his compliance with the treatment plan. Mr. Minyard shall provide these
13 reports every six (6) months during his probation, on or before: September 5, 2004; March 5, 2005;
14 September 5, 2005; March 5, 2006; September 5, 2006; March 5, 2007; September 5, 2007; and
15 March 5, 2008.

16 4. Mr. Minyard shall report in writing within ten days, to the Executive Director of the
17 Commission, any arrest or citation for any felony, misdemeanor, major traffic violation or violation of
18 criminal probation; and

19 5. Mr. Minyard shall comply with all Standards for Competent and Ethical Performance under
20 Oregon Administrative Rules Chapter 584, Division 020.

21 ///

22 ///

23 ///

1 If Mr. Minyard does not comply with all terms and conditions of this probation, based on the
2 reports of his treatment or as otherwise determined by the Executive Director, he shall be in violation
3 of this probation. Violation of a term or condition of this probation may constitute an independent
4 basis for the Commission to impose discipline, up to and including revocation of Mr. Minyard's
5 licensure subject to Mr. Minyard's right to a hearing on the issue of whether he violated probation.

6 IT IS SO ORDERED this 5 day of March 2004.

7 TEACHER STANDARDS AND PRACTICES COMMISSION

8
9 By: 
10 Victoria Chamberlain, Executive Director

11
12 Approved as to form:

13
14
15 _____
16 Thomas K. Doyle, OSB #97251
17 Attorney for Jack H. Minyard

[030104]