

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2
3 OF THE STATE OF OREGON

4 In the Matter of the) STIPULATION OF FACTS,
5 Licensure of) ORDER OF SUSPENSION
6 DAVID VALENZUELA) AND PROBATION

7
8 On April 19, 2004, the Teacher Standards and Practices Commission
9 (Commission) received a report from William M. Feusahrens, Superintendent, Eagle
10 Point School District alleging that David Valenzuela (Valenzuela) violated terms of a
11 Probation with the Commission by consuming alcohol.

12 After review of the matters alleged, Mr. Valenzuela and the Commission agree
13 that their respective interests, together with the public interest, are best served by a
14 stipulation to certain facts and the imposition of a ninety (90) day suspension of
15 licensure beginning June 1, 2004, through September 1, 2004, followed by a three (3)
16 year probation upon reinstatement of Licensure.

17 This Order sets forth the facts upon which the parties have agreed and the
18 sanction to be imposed. Mr. Valenzuela stipulates that there are sufficient facts
19 contained in the Commission's files and records to support the findings of fact and
20 conclusions of law set forth below. In entering into this stipulation, Mr. Valenzuela
21 waives the right to a hearing to contest the findings of fact, conclusions of law and order
22 set forth below.

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

STIPULATION OF FACTS

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2 1. Mr. Valenzuela holds an Oregon Standard Teaching License valid
3 January 22, 2004, to September 22, 2009, with endorsements in Basic Physical
4 Education and Standard Health Education. Mr. Valenzuela also holds an Initial
5 Administrative License valid December 9, 2002, to September 22, 2006, with an
6 Administrator endorsement.

7 2. Mr. Valenzuela was employed by Eagle Point School District as a Vice
8 Principal of Eagle Point High School. He resigned effective May 31, 2004.

9 3. The Commission placed Mr. Valenzuela on a three year Probation for DUII
10 and Criminal Trespass II convictions by Order adopted January 10, 2003. One of
11 conditions of probation in the Order required Mr. Valenzuela to abstain from the
12 consumption of alcohol during the Probationary period.

13 4. On August 5-7, 2003, while attending the Confederation of Oregon School
14 Administrators Conference held in Eugene, Oregon, Mr. Valenzuela consumed alcohol
15 during the evening in violation of his probation with the Commission.

16 5. On August 22, 2003, Mr. Valenzuela consumed alcohol at a party in the home
17 of Eagle Point High School staff members in violation of his probation with the
18 Commission.

19 6. On October 13 and 14, 2003, while attending the Hungerford Law Conference
20 held at the Clackamas ESD, Mr. Valenzuela consumed alcohol during the evening in
21 violation of his probation with the Commission.


1 7. On November 13-16, 2003, while attending the GANGS Conference held in
 2 Las Vegas, Nevada, Mr. Valenzuela consumed alcohol in violation of his probation with
 3 the Commission.

4 8. On May 31, 2004, Mr. Valenzuela voluntarily sought an addiction assessment
 5 and is currently involved in treatment at the Genesis Recovery Center.

6 IT IS SO STIPULATED:

7 
 8 David Valenzuela

7-2-2004
 Date

9 
 10 Victoria Chamberlain, Executive Director
 11 Teacher Standards and Practices Commission

7-1-04
 Date

13 **CONCLUSIONS OF LAW**

14 By consuming alcohol Mr. Valenzuela repeatedly violated his probation with the
 15 Commission in violation of OAR 584-020-0040(4)(k) . This misconduct constitutes
 16 Gross Neglect of Duty. The Commission's authority to impose discipline in this matter is
 17 based upon ORS 342.175.

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ORDER

David Valenzuela's Standard Teaching License and Initial Administrative License is suspended for a period of ninety (90) days beginning June 1, 2004, through September 1, 2004.

Furthermore, upon reinstatement of licensure, the Commission imposes a three (3) year probation, subject to the following terms and conditions:

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

2. During the period of this probation, Mr. Valenzuela shall comply with the terms of the treatment and aftercare plans. Mr. Valenzuela shall abstain from the consumption of alcohol;

3. During the period of his probation, Mr. Valenzuela shall submit to the Executive Director of the Commission reports of his compliance with the treatment plan. Mr. Valenzuela shall provide these reports every six (6) months during his probation on or before: March 1, 2005; September 1, 2005; March 1, 2006; September 1, 2006; March 1, 2007; and September 1, 2007.

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

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

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

7 IT IS SO ORDERED this 29th day of July, 2004

8 TEACHER STANDARDS AND PRACTICES COMMISSION

9
10 By Victoria Chamberlain
11 Victoria Chamberlain, Executive Director

12 APPROVED AS TO FORM

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15 _____
16 James M. Brown, OSB# 67012
Attorney for David Valenzuela

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