1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 In the Matter of the Teaching License of STIPULATION OF FACTS AND ORDER 5 DAVID BROW, 6 7 On or about September 17, 1999 the Teacher Standard and Practices Commission (the 8 "Commission") issued a notice of opportunity for hearing to David Brow ("Brow") in which the 9 Commission proposed to suspend or revoke his teaching license or otherwise impose discipline 10 under ORS 342.177. The Commission and Brow have now reviewed the matters alleged and 11 agree that their respective interests, together with the public interest, are best served by a 12 stipulation to certain facts, the suspension of Brow's license and the imposition of probation with 13 conditions. This agreement sets forth the facts upon which the parties have agreed and the 14 sanctions to be imposed. In entering into this Stipulation, Brow waives his right to a hearing to 15 contest any of the findings set forth below or to contest the Commission's Order of Suspension 16 and Probation. 17 FINDINGS OF FACT 18 1. As a settlement in this matter, Mr. Brow denies the allegations of misconduct and 19 makes no admissions but agrees that there is evidence in the record upon which the Commission 20 would make the following findings, that the Commission does now make the following findings, 21 and upon such evidence and findings, the Commission finds the alleged conduct by Mr. Brow 22 constitutes violation of OAR 584-020-0040. 23 2. Mr. Brow holds an Oregon basic teaching license valid until October 3, 2001. Mr. Brow was employed by the Molalla River School District as an elementary school teacher 24 25 from November 1986 to February 5, 1999. 26 ///

Page 1 - STIPULATION OF FACTS AND ORDER

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1	3. On the first day of spring track practice in 1991, Brow, the track coach, pulled a
2	female student's T-shirt and made comments about chest/shoulder development and the need for
3	a new T-shirt. Brow was directed by his principal to apologize to the female student who
4	experienced this behavior. Brow failed to comply with his principal's directive.
5	4. During the football season of 1992, Brow made a racial comment regarding an
6	athlete from an opposing team. Brow received a reprimand from his principal, Ms. Chloe Becca,
7	for his comments.
8	5. During an outdoor school trip to Bend on or about May 20-21 1998, Brow made
9	inappropriate sexual remarks to a fellow teacher and to a parent volunteer in the presence of
10	female students. In addition, he was dressed only in athletic shorts in an area where female
11	students were present on the same trip. Finally, on the same trip, he angrily confronted a female
12	sixth grade student and shouted profanities at her in front other students and the parent volunteer.
13	Brow received a reprimand for his behavior.
14	6. During the 1998-1999 school year, Brow made derogatory comments to a sixth
15	grade male student (for which comments he received a reprimand); made inappropriate
16	comments to and massaged the shoulders of two female high school students; made sexual
17	comments about a sixth grade female student to female staff members; made derogatory sexual
18	remarks to a sixth grade female student and repeated those remarks to fellow staff members, and;
19	recounted sexual descriptions and inappropriate language to staff in the staff room after he was
20	repeatedly asked to stop.
21	Brow enters into this stipulation of facts knowing the Commission will suspend his
22	license from March 17 to June 30, 2000 and place him on four years probation with the
23	following conditions:
24	a. Brow will be assessed by a Commission-approved psychologist, which
25	assessment will include an evaluation for the need for anger management training,
26	and will complete any treatment as ordered by the psychologist. A copy of TSPC

1	Preliminary Investigation Report will be sent to the evaluating and treating
2	psychologists.
3	b. Brow will attend tutoring sessions on sexual harassment avoidance conducted
4	by a person of the Commission's choosing.
5	This stipulation is contingent upon approval and adoption of the Order by the
6	Commission. If Commission does not adopt this order, neither Brow nor the Commission are
7	bound by these stipulations and Brow retains all rights to a hearing on the allegations.
8	CONCLUSIONS OF LAW
9	Brow's actions set forth above constitute violation referral of OAR 584-020-0040 (f),(l),
10	and (n).
11	IT IS SO STIPULATED:
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14	David Brow $\frac{1-12-00}{\text{Date}}$
15	
16	David Myton 1/19/00
17	David V. Myton, Executive Director Teacher Standards and Practices Date
18	Commission
19	ORDER
20	The Commission adopts the above Findings of Fact and suspends Brow's teaching license
21	from March 17 to June 30, 2000.
22	Brow will be on probation for a period of four years from March 17, 2000 to March 17,
23	2004 subject to the following terms:
24	1. Brow will comply with the standards for ethical and competent performance of
25	Oregon educators. Upon application for reinstatement or renewal through 2004, Mr. Brow will
26	give the Commission such information as the commission requests to verify that he has complied

1	with the conditions of probation, including a statement from his employing school district, if any
2	that he has complied with the Standards of Competent and Ethical Performance of Educators
3	under OAR 584, Division 20.
4	2. Brow will comply with all employer rules, policies and directives relating to
5	sexual harassment in the workplace.
6	3. Brow will complete an assessment by a licensed psychologist that will include
7	evaluation for the need for anger management and other treatment and will complete any
8	treatment recommended by that psychologist. This condition will not be discharged until a letter
9	is received by the Commission from the psychologist detailing the treatment indicated by the
10	evaluation and that Mr. Brow has successfully completed that treatment.
11	4. Brow will attend tutoring sessions on sexual harassment avoidance and the person
12	conducting the training will provide information to the Commission indicating his successful
13	completion of the training.
14	IT IS SO ORDERED this 4 day of January 2000.
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16	David V. Myton, Executive Director
17	Teacher Standards and Practices Commission
18	Approved as to form:
19	Elizabeth Sencessee 1/4/2000
20	Elizabeth Denecke, OSB #81112 Date
21	Assistant Attorney General
22	A-C. Hall 1-6-2000
23	Nelson Hall, OSB #85222 Date BENNETT, HARTMAN AND REYNOLDS
24	Attorney for David Brow
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