

1
2
3
4
5

BEFORE THE
TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON

3 In the Matter of the License of:

4 JASON HOLT

STIPULATION AND ORDER

6 On September 22, 1999, the Teacher Standards and Practices Commission (Commission)
7 issued a Notice of Opportunity for Hearing to Jason Holt. On December 19, 1999, the
8 Commission issued an Amended Notice. The Amended Notice proposed to take disciplinary
9 action against Mr. Holt under ORS 342.177. Mr. Holt requested a hearing through his attorney,
10 Barbara Diamond. The Commission and Mr. Holt have now reviewed the issues connected with
11 this proceeding and have determined that their respective interests and the public interest are best
12 served by a stipulation to certain facts and a suspension of Mr. Holt's Oregon Teaching License,
13 followed by a period of probation. Mr. Holt understands that in entering this stipulation he is
14 waiving his right to a hearing and his right to contest the sanction set forth in this Stipulation and
15 Order.

16
17

STIPULATED FACTS

17 Mr. Holt and the Commission stipulate as follows:

18 1. Mr. Holt was employed as a teacher by the Salem-Keizer School District at
19 Sprague High School from August 1996 to June 1999. He taught physical education and health
20 classes. He also served as the activities director, advisor to student government, head varsity
21 volleyball coach, assistant girls' varsity and freshman girls' basketball coach. This was
22 Mr. Holt's first position as a regular teacher. He received positive evaluations.

23 2. During the 1997-98 school year, Mr. Holt served as a DJ at several student dances
24 held at high schools in the Salem-Keizer area and one dance at the Dalles High School.

25 ///

26 ///

1 3. In January 1998, High School Principal Gil James met with Mr. Holt and directed
2 Mr. Holt as follows concerning future dances at other high schools: (1) obtain a written contract
3 as to each dance and impose a fee sufficient to cover all expenses; (2) deposit proceeds from the
4 dances in Sprague High School accounts with reimbursements for expenses going through
5 established procedures; (3) obtain reimbursement only for actual expenses as verified by
6 receipts; and (4) make use of the school equipment and the school van only for fund-raisers for
7 Sprague High School. Mr. James delivered these directives orally and did not at the time prepare
8 a written memorandum. Holt does not recall these directives or does not recall them to be as
9 stated by Gil James.

10 4. During the 1998-99 school year, Mr. Holt served as a DJ at several dances hosted
11 by other high schools, including Thurston High School, Gresham High School and Sandy High
12 School.

13 5. When Mr. Holt worked at dances outside Sprague High School, he used the
14 Salem-Keizer School District sound system. Salem-Keizer School District students typically
15 assisted Mr. Holt in transporting, setting up and returning the equipment, and Mr. Holt used the
16 school district van for this purpose.

17 6. When Mr. Holt worked as a DJ at schools outside the Salem-Keizer School
18 District, he received payment of approximately \$300 to \$400 per event. Checks for these
19 payments were made directly to Mr. Holt. Without the knowledge of the Salem-Keizer School
20 District, Mr. Holt deposited these funds into his own bank accounts or cashed the checks at his
21 personal bank. Mr. Holt deposited some of the cash into student fund-raising accounts, but kept
22 part of the proceeds for his personal use. Mr. Holt viewed the moneys he retained as
23 compensation for work performed over and above his work as Salem-Keizer activities director.

24 7. Salem-Keizer School District administrators believed that Mr. Holt was using
25 Salem-Keizer equipment on condition that fees earned in these engagements would inure entirely
26 to the benefit of the district's student fund-raising activities.

1 8. Mr. Holt admits that he failed to turn over all the receipts to the district from
2 outside DJ work. Mr. Holt thus admits that he used the public property belonging to the Salem-
3 Keizer School District for personal gain.


4 9. When the Salem-Keizer School District learned that Mr. Holt was not depositing
5 all receipts from use of district equipment into district accounts, the district informed Mr. Holt
6 that he would be terminated for misuse of district equipment for personal gain. At this time,
7 Mr. Holt was a probationary teacher. He resigned in lieu of termination in an agreement signed
8 in May 1999.

9 10. In the resignation agreement, Mr. Holt voluntarily agreed to repay the district for
10 all of the amounts he had retained for DJ work. The district thereafter deducted \$2,200 from
11 Mr. Holt's final paychecks. This was the amount that the district calculated which had been
12 retained by Mr. Holt for his DJ work outside of the Salem-Keizer School District. The district
13 has been paid full restitution for all moneys retained by Mr. Holt.

14 11. The Superintendent of the Salem-Keizer School District reported this matter to
15 the Commission for investigation on or about May 19, 1999.


16 This stipulation is contingent upon approval and adoption of the Order by the
17 Commission. If the Commission does not adopt the Order, neither Mr. Holt nor the Commission
18 shall be bound by these stipulations, and Mr. Holt retains all rights to a hearing on the allegations
19 set forth in the Notice.

20 IT IS SO STIPULATED:

21
22 
23 _____
24 JASON HOLT

3/22/00

DATE

24 
25 _____
26 DAVID V. MYTON, EXECUTIVE DIRECTOR
TEACHER STANDARDS AND PRACTICES COMMISSION

4/18/00

DATE

26 ///

1 **CONCLUSION OF LAW**

2 The conduct described in the Stipulated Facts constitutes a violation of
3 OAR 584-020-0040(4).

4 **OPINION**

5 Mr. Holt had an ethical duty to refrain from any use of District equipment for personal
6 gain. By using Salem-Keizer School District equipment to perform services for other districts,
7 Mr. Holt turned what could have been private endeavors into contracts involving public property.

8 Once this occurred, Mr. Holt was not ethically entitled to retain any portion of the fees
9 charged for his personal use. Although Mr. Holt is a relatively new teacher, he should have
10 understood the nature of his ethical obligations not to use district property for personal gain,
11 especially in light of his discussion with Principal Gil James in the prior school year.

12 **ORDER**

13 The Commission adopts the above Stipulated Facts and Conclusion of Law. The
14 Commission suspends the teaching license of Jason Holt for 60 days commencing on the date of
15 this order. At the expiration of the period of suspension, Mr. Holt's teaching license shall be
16 reinstated upon his application if there is no evidence that Mr. Holt has violated any professional
17 standards during the period of the suspension.

18 Following reinstatement of his license, Mr. Holt shall be placed on probation for a period
19 of two years. The terms of probation shall be as follows:

- 20 1. Mr. Holt shall comply with the Standards for Ethical and Competent Performance
- 21 of Oregon Educators under OAR 584, Division 20.
- 22 2. Mr. Holt shall not handle funds that are the property of his employing school
- 23 district.
- 24 3. Mr. Holt shall provide to the Commission such information as the Commission
- 25 requests to verify that he has complied with the conditions of probation, including a statement

26 ///

1 from his employing district that he has complied with Standards of Competent and Ethical
2 Performance of Educators under OAR 584, division 20.

3 4. Mr. Holt shall report to the Executive Director within ten days, any discipline that
4 Mr. Holt receives from any Oregon public school employer.

5 5. Violation of the terms of this probation may constitute an independent basis for
6 the Commission to impose other disciplinary sanctions upon first giving notice and opportunity
7 for hearing.

8 DATED this 15th of May, 2000.

9
10 TEACHER STANDARDS AND PRACTICES COMMISSION

11
12 By: David V. Myton
13 David V. Myton, Executive Director

14
15
16
17
18
19
20
21
22
23
24
25
26 JGM:ros:cfs:031500\GEN39734