| 1     | BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON                                                     |  |  |
|-------|----------------------------------------------------------------------------------------------------------------------------------|--|--|
| 2     |                                                                                                                                  |  |  |
| 3 4 5 | In the Matter of the Teaching License of:  STIPULATION OF FACTS, SURRENDER OF LICENSE AND RICHARD ELWOOD LANCE  REVOCATION ORDER |  |  |
| 6     |                                                                                                                                  |  |  |
| 7     | On or about July 15, 1998 the Teacher Standards and Practices Commission                                                         |  |  |
| 8     | (Commission) issued a Notice of Opportunity for hearing to Richard Elwood Lance (Lance) in                                       |  |  |
| 9     | which the Commission proposed to suspend or revoke his Oregon teaching license or to impose                                      |  |  |
| 10    | other discipline under ORS 342.177. The basis for the proposed action was Lance's alleged                                        |  |  |
| 11    | misconduct including possession and use of a controlled substance at school.                                                     |  |  |
| 12    | The Commission and Lance have now reviewed the matters alleged and have agreed that                                              |  |  |
| 13    | their respective interests, together with the public interest, are best served by entering an Order                              |  |  |
| 14    | of Surrender of License and Revocation of License based upon the following Stipulation of                                        |  |  |
| 15    | Facts. In entering this Stipulation, Lance waives his right to a hearing. This agreement sets forth                              |  |  |
| 16    | the facts upon which the parties have agreed including the Commission's Order of Surrender and                                   |  |  |
| 17    | Revocation of Lance's teaching license.                                                                                          |  |  |
| 18    | FINDINGS OF FACT                                                                                                                 |  |  |
| 19    | 1. Lance was employed as a music teacher at Rainer School District from 1974 to                                                  |  |  |
| 20    | February 13, 1996.                                                                                                               |  |  |
| 21    | 2. On January 10, 1996, Lance was found using cocaine in the Rainier High School                                                 |  |  |
| 22    | Auditorium. He was also in possession of additional cocaine and morphine, a controlled                                           |  |  |
| 23    | substance.                                                                                                                       |  |  |
|       |                                                                                                                                  |  |  |

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| 1  | 3.                                                                                  | On January 16, 1996, Lance was indicted on felony drug charges.                     |  |
|----|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--|
| 2  | 4.                                                                                  | On February 13, 1996, Lance resigned.                                               |  |
| 3  | 5.                                                                                  | Immediately after his arrest, Lance entered and successfully completed an           |  |
| 4  | in-patient tre                                                                      | atment program followed by an eight month out patient program for drug addiction    |  |
| 5  | He continues                                                                        | s to attend Alcoholics and Narcotics Anonymous meetings and his spouse attends      |  |
| 6  | AL-ANON 1                                                                           | neetings. In addition Lance has engaged in extensive counseling with a              |  |
| 7  | psychologist                                                                        | and received medical support by a psychiatrist. He has exhibited exemplary          |  |
| 8  | behavior in l                                                                       | nis treatment and recovery process.                                                 |  |
| 9  | 6.                                                                                  | On April 22, 1998, Lance pled no contest to possession of morphine and cocaine.     |  |
| 10 | Lance entere                                                                        | d a two-year diversion agreement on April 22, 1998. Lance has been compliant        |  |
| 11 | with his Div                                                                        | ersion. If the diversion is successfully completed, the criminal charges will be    |  |
| 12 | dismissed an                                                                        | d Lance will be eligible to have records in the case sealed pursuant to ORS 137.225 |  |
| 13 | 7.                                                                                  | Lance recognizes the egregiousness of his conduct and surrenders his license on     |  |
| 14 | the basis of t                                                                      | he above facts and agrees to the revocation of his license.                         |  |
| 15 | Lance enters into this Stipulation of Facts with knowledge that the Commission will |                                                                                     |  |
| 16 | revoke his li                                                                       | cense and place him on two years probation. This Stipulation is contingent upon     |  |
| 17 | approval and                                                                        | adoption of the Order by the Commission. If the Commission does not adopt this      |  |
| 18 | Order, neithe                                                                       | er Lance nor the Commission are bound by these stipulations and Lance retains all   |  |
| 19 | rights to a he                                                                      | earing on the allegations.                                                          |  |
| 20 |                                                                                     | CONCLUSIONS OF LAW                                                                  |  |
| 21 | Lanc                                                                                | e's actions set forth above constitute a violation of OAR 584-020-0040(4) and (5).  |  |
| 22 | ///                                                                                 |                                                                                     |  |
| 23 | ///                                                                                 |                                                                                     |  |
|    |                                                                                     |                                                                                     |  |

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| 1  | IT IS SO STIPULATED                                                                               |  |  |
|----|---------------------------------------------------------------------------------------------------|--|--|
| 2  |                                                                                                   |  |  |
| 3  | Richard Elwood Lance Date                                                                         |  |  |
| 4  |                                                                                                   |  |  |
| 5  | Danie My In 12/4/98                                                                               |  |  |
| 6  | David V. Myton  Date  Date                                                                        |  |  |
| 7  | Teacher Standards and Practices Commission                                                        |  |  |
| 8  | DISCUSSION                                                                                        |  |  |
| 9  | Ordinarily, misconduct as set forth in the stipulations above, would not result in favorable      |  |  |
| 10 | consideration of license reinstatement after one year. However, in this instance more than        |  |  |
| 11 | 2 ½ years has passed since Lance's resignation and he has demonstrated model behavior over        |  |  |
| 12 | this time. An additional year of appropriate behavior demonstrates good cause to permit           |  |  |
| 13 | reinstatement.                                                                                    |  |  |
| 14 | ORDER                                                                                             |  |  |
| 15 | The Commission adopts the above Findings of Fact, accepts the surrender of Lance's                |  |  |
| 16 | license and revokes his license. Pursuant to ORS 342.175(3) Lance may apply to the                |  |  |
| 17 | Commission for reinstatement of his license after one-year from the date of revocation.           |  |  |
| 18 | Upon application and after the one-year period of revocation the Commission will                  |  |  |
| 19 | reinstate Lance's license if he remains compliant with his Diversion, has not during the term of  |  |  |
| 20 | his revocation violated standards relating to competent and ethical educators as contained in law |  |  |
| 21 | and OAR 584 Division 20, and otherwise meets standard terms for licensure.                        |  |  |
| 22 | Lance will be on probation for two years from the date of his reinstatement subject to the        |  |  |
| 23 | following terms:                                                                                  |  |  |

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| ) 1 | 1. Lance shall comply with court ordered terms, if any.                                           |  |  |
|-----|---------------------------------------------------------------------------------------------------|--|--|
| 2   | 2. Lance shall comply with any treatment plan of his health providers and will                    |  |  |
| 3   | provide the Executive Director with copies of the plan and a release for the purpose of verifying |  |  |
| 4   | Lance's compliance.                                                                               |  |  |
| 5   | 3. Lance shall comply with the standards for ethical and competent performance of                 |  |  |
| 6   | Oregon educators.                                                                                 |  |  |
| 7   | 4. Lance shall comply with all laws and report to the Executive Director any arrest               |  |  |
| 8   | diversions, civil compromises, or pleas within ten days of occurrence.                            |  |  |
| 9   | 5. Lance shall report to the Executive Director within ten days any employer                      |  |  |
| 10  | investigations of possible misconduct or any discipline received from any public school           |  |  |
| 11  | employer that is reportable to the Commission.                                                    |  |  |
| 12  | 6. Violation of the terms of this probation shall constitute independent basis for the            |  |  |
| 13  | Commission to impose other disciplinary sanctions upon Lance after first giving notice and        |  |  |
| 14  | opportunity for hearing.                                                                          |  |  |
| 15  | DATED this 4 day of <u>Jecewbe</u> 1998.                                                          |  |  |
| 16  | TEACHER STANDARDS AND PRACTICES COMMISSION                                                        |  |  |
| 17  | By: Dannelly to                                                                                   |  |  |
| 18  | David V. Myton, Executive Director  Approved as to Form:                                          |  |  |
| 19  | Approved us to 1 offit.                                                                           |  |  |
| 20  | Elizabeth Joffe Date                                                                              |  |  |
| 21  | Attorney for Lance                                                                                |  |  |
| 22  | Fanh (ad 11-19-98                                                                                 |  |  |
| 23  | Gary C. Cordy Date Attorney for TSPC                                                              |  |  |
|     |                                                                                                   |  |  |

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