1	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2	OF THE STATE OF OREGON
3	
4 5 6 7 8	In the Matter of the ) STIPULATION OF FACTS, Teaching License of ) ORDER OF REPRIMAND RICHARD KENT DAVIS ) AND PROBATION )
9	On or about April 11, 2000, the Teacher Standards and Practices Commission
10	(Commission) received a report from Leonard Geiger, Assistant Superintendent, South
11	Coast Education Service District indicating that Richard Kent Davis resigned in
12	response to allegations that he used inappropriate, excessive physical force with
13	students, made inappropriate physical threats to students and used inappropriate and
14	profane language while directing staff.
15	Mr. Davis fully cooperated with the Commission's investigation. After review of
16	the matters alleged, Mr. Davis and the Commission agree that their respective interests
17	together with the public interest, are best served by a stipulation to certain facts and the
18	imposition of a Public Reprimand, followed by a period of probation of two (2) years.
19	This Order sets forth the facts upon which the parties have agreed and the sanction to
20	be imposed. In entering into this stipulation, Mr. Davis waives the right to a hearing to
21	contest the finding of fact, conclusion of law and order set forth below. Mr. Davis
22	understands that the probation will be subject to specific conditions.
23 24	STIPULATION OF FACTS
25	1. Mr. Davis holds an Oregon Transitional Teaching License restricted to South
26	Coast Educational Service District valid September 1, 1999 to September 2, 2002. The

3 2. Mr. Davis completed a teacher education program at the College of

4 Education, University of Arizona on May 11, 1996. Although Mr. Davis is licensed to

5 teach in Arizona, he had no experience as a licensed educator, teaching in a public

6 school until he began his employment with South Coast ESD on or about August 24,

1999. Mr. Davis resigned his teaching position with South Coast ESD in lieu of

termination on March 14, 2000.

- 3. Mr. Davis admits the use of non-conventional methods or overly aggressive non-verbal cues that may have caused physical discomfort to students in his classroom. Mr. Davis will use only conventional methods and hand over hand non-verbal cues to physically assist or communicate with Special Education students in the future.
- 4. Mr. Davis admits violating district policy and Standards of Competent and Ethical Performance of Oregon Educators by screaming and yelling profanity at Wendy Bavard, a staff member, in an angry manner on February 4, 2000.
- 5. Mr. Davis admits violating district policy and Standards of Competent and Ethical Performance of Oregon Educators by screaming and yelling profanity at Teresa Gibbs, a staff member, in an angry manner on February 15, 2000.
- 6. Mr. Davis admits that on several occasions during the 1999-2000 school year he threatened to knock a Special Education student, GF, over the head with a 2 x 4 and/or tie the student upside down, put molasses on his body and let birds peck on him. Although, Mr. Davis maintains that he made these statements jokingly he realizes that these statements are inappropriate and will not make such statements to students in the future.

ı	7. IVIT. Davis accepts responsibility for his behavior and acknowledges his
2	behavior was inappropriate.
3	CONCLUSION OF LAW
4	By yelling and using profanity in communicating to staff, Mr. Davis failed to
5	demonstrate a commitment to use professional judgment and competency in human
6	relations and communicating with a staff in violation of OAR 584-020-0010(5) and OAF
7	584-020-0030(2)(b). Mr. Davis failed to demonstrate a commitment to use professional
8	judgement and demonstrate competency in human relations and communicating with a
9	student when he threatened GF with bodily harm in violation of OAR 584-020-0010(5)
10	and OAR 584-020-0030(2)(b).
11	This stipulation is contingent upon approval and adoption of the Order by the
12	Commission. If the Commission does not adopt this Order, neither Mr. Davis nor the
13	Commission are bound by these Stipulations and Mr. Davis retains all rights to a
14	hearing on the allegations.
15	IT IS SO STIPULATED:
16 17	ZNI Seeco Date    12-21-80
18	
19 20 21	David V. Myton Executive Director Teacher Standards and Practices Commission    12/14/20   Date
22	ORDER
23	The Commission imposes a Public Reprimand on Mr. Davis. This Stipulation of
24	Facts, Order and Probation constitutes the Reprimand. Furthermore, the Commission
25	imposes a two (2) year probation upon Mr. Davis subject to the following conditions:

1	1. Mr. Davis shall at his own expense, participate in an intensive education
2	program regarding appropriate Human Relations and Communications conducted by a
3	qualified trainer of the Commission's choosing within the first six months of probation.
4	This intensive training shall consist of not less than five (5), one and one-half hour
5	sessions. The Commission will provide the trainer with a copy of this Order prior to Mr.
6	Davis beginning the program. The program trainer will provide the Commission with a
7	report of successful program completion.
8	2. Mr. Davis shall comply with all Standards for Competent and Ethical
9	Performance under Chapter OAR 584, Division 020.
10	3. Mr. Davis shall provide information as requested by the Commission to verify
11	that he has complied with the conditions of probation, including a statement from his
12	employing district that he has complied with the Standards for Competent and Ethical
13	Performance under Chapter OAR 584, Division 020.
14	4. Violation of the terms of this probation may constitute an independent basis
15	for the Commission to impose discipline, up to and including revocation of Mr. Davis'
16	teaching license subject to Mr. Davis' right to a hearing on the issue of whether he
17	violated probation.
18	Dated thisday of January 2001
19	TEACHER STANDARDS AND PRACTICES COMMISSION
20	$\wedge$
21 22	By: David V. Myton, Executive Director
23	Approved as to form:
24 25 26	Afuna Masih, OSB #97324 Attorney for Richard Kent Davis