

SEP 16 2015

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
OF THE STATE OF OREGON

Teacher Standards &  
Practices Commission

3 In the Matter of the ) STIPULATION OF FACTS AND  
4 Educator License of ) FINAL ORDER OF SUSPENSION  
5 MANUEL DURAN GUZMAN ) OF RIGHT TO APPLY

6 On or about May 11, 2012, the Teacher Standards and Practices Commission (Commission)  
7 learned that Manuel Duran Guzman (Guzman) allegedly violated Professional Standards and  
8 Practices.

9 After review of the matters alleged, Guzman and the Commission agree that their respective  
10 interests, together with the public interest, are best served by a stipulation to certain facts and the  
11 imposition of a one year suspension of Guzman's right to apply for an Oregon educator license.

12 This document sets forth the facts upon which the parties have agreed and the stipulated  
13 sanction to be imposed. Guzman stipulates that there is sufficient evidence in the Commission's files  
14 and records to support the findings of fact, conclusions of law, and order set forth below.

15 By signing below, Guzman acknowledges, understands, stipulates, and agrees to the following:

- 16 (i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact,
- 17 conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights
- 18 to appeal or otherwise challenge this Stipulation of Facts and Final Order of Suspension of Right to
- 19 Apply (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and
- 20 disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is
- 21 contingent upon and subject to approval and adoption by the Commission. If the Commission does
- 22 not approve and adopt this Stipulation and Final Order, then neither Guzman nor the Commission are
- 23 bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it
- 24 completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order
- 25 and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no promises
- 26 or representation has been made to induce him to sign this Stipulation and Final Order; and (vii) he
- 27 has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised
- 28 with regard to his rights thereto, or waives any and all rights to consult with an attorney prior to

1 entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order  
2 below.

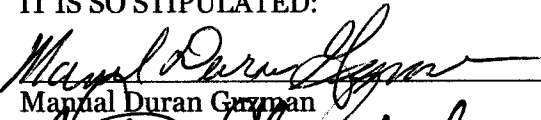
### 3 **STIPULATION OF FACTS**

- 4 1) Guzman has been licensed as an educator in Oregon since August 17, 2001. Guzman held an Initial  
5 I Teaching License, with an endorsement in Social Studies (HS), valid from August 13, 2011, until  
6 it expired on December 14, 2014. During all relevant times, Guzman was employed by the Ontario  
7 School District.
- 8 2) On May 11, 2012, the Commission received a complaint from the administration of the Ontario  
9 School District indicating Guzman may have committed acts which constitute gross neglect of  
10 duty. An investigation determined the following occurred during the 2011 -2012 school year:
- 11 a) In the spring of 2011, the school administration directed Guzman to maintain a professional  
12 relationship with a female student (KR). Subsequently, Guzman gifted KR a cell phone.  
13 Guzman communicated with KR via this phone, calling and sending her text messages.  
14 Guzman offered to become KR's legal guardian.
- 15 b) Guzman improperly provided KR with academic credits via the Odysseyware computer system  
16 to assist her in meeting graduation requirements. This included providing KR with credit  
17 recovery classes Guzman was not authorized, certified, or licensed to provide. Guzman  
18 bypassed/unlocked normal Odysseyware programming to enable KR to use the system from  
19 other locations, including Guzman's classroom computer and from KR's home. Guzman  
20 circumvented the established credit recovery systems, including bypassing all the properly  
21 assigned educators authorized to use the school district's credit recovery program. Guzman  
22 improperly signed three Malheur Academy verification forms to award science, language arts,  
23 and physical education credits to KR.
- 24 c) Guzman failed to follow a directive he received in an administrative memorandum, which  
25 directed Guzman to refrain from allowing students to stay in Guzman's classroom during his  
26 preparation period when they should be in other classes. When confronted by administrators,  
27 Guzman claimed he was not responsible for those students' actions as they were not under

1 Guzman's supervision. Guzman allowed KR to remain in Guzman's room when she was  
2 assigned to other classrooms, and allowed KR to use Guzman's computer to access the  
3 Odysseyware system.

4 d) During an audit it was discovered that fifteen of the twenty-nine Odysseyware courses Guzman  
5 was authorized to teach and issue credit for during summer school and credit recovery classes  
6 did not meet the established requirements to be awarded credit. District administrators  
7 determined that 52% of the courses and credit Guzman had authorized were not complete by  
8 district established standards. Guzman initially denied this and advised that he had documents  
9 to support the credits. During the course of the investigation, Guzman was not able to provide  
10 any documents to support his claims.

11  
12 IT IS SO STIPULATED:

13   
14 Manuel Duran Guzman

13 09/09/2015  
14 Date

15   
16 Victoria Chamberlain, Executive Director  
17 Teacher Standards and Practices Commission

15 9-16-15  
16 Date

18 **CONCLUSIONS OF LAW**

19 Manual Guzman's conduct described above constitutes gross neglect of duty in violation of  
20 ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use  
21 professional judgment), OAR 584-020-0025(2)(c) (Using and maintaining student records as  
22 required by federal and state law and district policies and procedures), OAR 584-020-0025(2)(e)  
23 (Using district lawful and reasonable rules and regulations); OAR 584-020-0040(4)(o) as is  
24 incorporates OAR 584-020-0035(1)(c)(A) (Not demonstrating or expressing professionally  
25 inappropriate interest in a student's personal life), OAR 584-020-0035(1)(c)(B) (Not accepting or  
26 giving or exchanging romantic or overly personal gifts or notes with a student), OAR 584-020-  
27 0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and conversation  
28 at all times); and OAR 584-020-0040(4)(c) (Knowing falsification of any document or knowing  
29 misrepresentation directly related to licensure, employment, or professional duties).

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The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

**ORDER**

The Commission hereby adopts and incorporates herein the above stipulation of facts, conclusions of law, and based thereon hereby imposes a one year suspension upon Guzman's right to apply for an Oregon educator license as follows:

Manual Duran Guzman's right to apply for an Oregon educator license is hereby suspended for one year following the adoption of this order.

IT IS SO ORDERED this 10<sup>th</sup> day of November, 2015.

TEACHER STANDARDS AND PRACTICES COMMISSION

By:   
Victoria Chamberlain, Executive Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Suspension of Right to Apply, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail — Return Receipt Requested, addressed to:

Manuel Duran Guzman  
2315 Scenic Drive  
Emmett, ID 83617-9591

DATED this 18<sup>th</sup> day of November, 2015.

By: Patty Liddell  
Patty Liddell  
Investigative Assistant

Certificate of Mailing – Manuel Duran Guzman

Data Classification Level: 1 – Published  
DO: Liddell