

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

In the Matter of the)	STIPULATION OF FACTS AND
Educator License of)	FINAL ORDER OF PUBLIC
KEVIN M. TASTET)	REPRIMAND AND PROBATION

On July 15, 2016, the Teacher Standards and Practices Commission (Commission) received a report from the Department of Human Services (DHS) indicating possible professional misconduct on the part of licensed educator, Kevin M. Tastet (Tastet).

After review of the matters alleged, Tastet and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, the imposition of a Public Reprimand, and a period of probation.

This Order sets forth the facts upon which the parties have agreed and the sanction to be imposed. Tastet stipulates that there are sufficient facts contained in the Commission's files and records to support the findings of fact and conclusions of law set forth below. In entering into this stipulation, Tastet waives the right to a hearing to contest the findings of fact, conclusions of law and order set forth below.

By signing below, Tastet acknowledges, understands, stipulates, and agrees to the following: (i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Public Reprimand and Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Tastet nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no promise or representation has been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with regard to his rights thereto, or waives any and all rights to consult with an

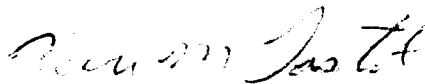
attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

STIPULATION OF FACTS


1. The Commission has licensed Tastet since May 20, 2005. Tastet holds an Initial II Teaching License, with endorsements in Basic Mathematics (HS, ML), Multiple Subjects (MIDL VL), and Social Studies (HS, ML), valid from April 20, 2015, through August 14, 2018. Tastet made timely application for renewal, and the expiration of his license was pended until the final disposition of the case could be determined. During all relevant times, Tastet was employed by the Beaverton School District (BSD).
2. On July 15, 2016, the Commission received a report from the Oregon Department of Human Services, Child Welfare (DHSCW) indicating that Tastet had engaged in conduct that may be considered gross neglect of duty and/or gross unfitness. The report alleged Tastet injured a 12 year old student (RW) when he kicked her leg under her desk. Commission investigation determined Tastet had engaged in the conduct reported by DHSCW, and learned of additional inappropriate conduct including previous inappropriate physical contact with a student and unprofessional classroom management techniques as described below.
 - a. On March 28, 2016, Tastet was issued a Memo of Concern in response to a February 22, 2016, incident where Tastet contacted a student's arm /shoulder with his open hand to get the student's attention. The student complained that Tastet "hit" him and Tastet stated something to the effect "Do your work and I'll stop hitting you". The student reported he felt threatened by Tastet and his statement to him. Witnesses confirmed the incident, and the memo reminded and clarified district policy related to respect for others, student management, and interactions with students.
 - b. On or about the final day of the 2016 school year, Principal Freeman received a patron complaint that student RW didn't want to go to school because sometime earlier in the year Tastet had kicked her and bruised her leg. Investigation determined that Tastet would kick the legs of student's desks to get their attention when the student was off-task. School officials determined that in late April or early May of 2016, Tastet attempted to kick RW's desk and instead kicked RW's leg/shin, causing an

- injury (bruise). The incident was reported to DHSCW by school officials and a person from the summer camp RW attended. Law enforcement investigated the incident and closed the case with no further action taken.
- c. In the course of the Commission's investigation, it was learned that Tastet had engaged in inappropriate classroom management techniques including having students stand with their noses touching the wall for not bringing proper materials to class (a pencil for example). If a student forgot their homework or other offence, Tastet would have them stand and hold a piece of paper to the wall with their nose. Tastet would have students sing "I'm a little tea pot" as discipline for other infractions. Tastet would use sarcasm toward students, which often made some students feel embarrassed, threatened and scared to participate in class.


IT IS SO STIPULATED:




Kevin M. Tastet



Date



Trent Danowski, Deputy Director
Teacher Standards and Practices Commission



Date

CONCLUSION OF LAW

The conduct described in section three (3) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1) (*Recognize the worth and dignity of all persons and respect for each individual*), OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0020(2)(d)(*Skill in the supervision of students*), OAR 584-020-0025(2)(a)(*Establishing and maintaining classroom management that is conducive to learning*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*), and OAR 584-020-0040(4)(d) (*Unreasonable physical force against students, fellow employees, or visitors to the school, except as permitted under ORS 339.250*).

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

ORDER

The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a Public Reprimand on Kevin Tastet's Oregon educator license.

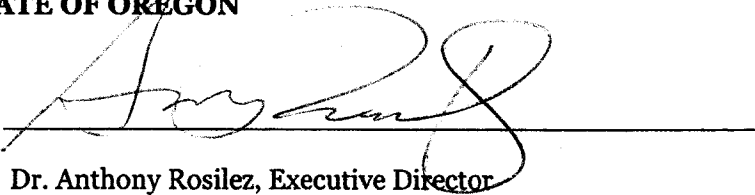
Furthermore, the Commission imposes a period of one (1) year of probation upon Tastet's licensure to commence from the date this order is signed by the Commission and subject to the following conditions:

1. Tastet shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.
2. Tastet will successfully complete a Commission approved training on classroom management within the first year of his probation.

Issued and dated this 8 day of February, 2019.

**TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON**

By


Dr. Anthony Rosilez, Executive Director