				,	
				BENNETT, HARTMAN, REYNOLDS & WISE MISSIAPE 2	
1	BEFORE THE TEACHERS AND STANDARDS AND PRACTICES COMMISSION				ý
2	OF THE STATE OF OREGON " & 9 10				
3 4 5 6 7 8	In the Matter of the Teaching License of HARVEY J. SANTOS)))	STIPULATION OF FAC PUBLIC REPRIMAND A ORDER OF PROBATIO	TS " OH I LAND, OREGON AND	
9	On January 27, 1998, the Teache	er Standards and	Practices Commission i	nformed	
0	On January 27, 1998, the Teacher Standards and Practices Commission informed Harvey J. Santos that the Commission found sufficient evidence of violation of				
11	Standards for Competent and Et	hical Performance	of Oregon Educators to	o warrant a	
2	hearing regarding his conviction	for Assault IV and	l violation of Klamath C	ounty School	
13 14	District's corporal punishment policies involving students in his classroom. Mr. Santos requested a hearing on the allegations, but before a hearing date was set, the parties				
15	have agreed that their respective interest and the interests of the State are best served				
16	by a Stipulation of Facts, Public Reprimand and Order of Probation as set forth below.				
17	_		14 CMC		
18		STIPULATON OF F	TACIS		
10					

20

21

Harvey J. Santos holds a Standard Teaching License endorsed for technology 1. education and valid from October 29, 1993 to December 14, 1998.

22 Harvey J. Santos violated OAR 584-020-0040(4)(d) during the week of December 23 2. 16-20, 1996, when he struck student RB on the back of the head with his 24 25 hand.

26 27

Mr. Santos violated OAR 584-020-0040(4)(d) on or about January 8, 1997, when he struck student MB in the midsection with his hand. Santos was convicted of Assault IV in Klamath County District Court as a result of this incident.

29 30 31

32

33

28

Although Mr. Santos maintains that he did not intend to cause pain or injury to 4. the student, he violated the Klamath County School District's corporal punishment policy in each of the incidents listed above. Failure to adhere to the district's policy on corporal punishment violated OAR 584-020-0040(2)(e).

34 35 36

37

38

39

40

Harvey J. Santos enters into this Stipulation of Facts with knowledge that the Teacher Standards and Practices Commission will issue a public reprimand and place him on probation for one year from the date of the signed stipulation.. This Stipulation is contingent upon approval and adoption of the Order by the Commission. If the Commission does not adopt this Order, neither Mr. Santos nor the Commission are bound by these stipulations and he retains all rights to a hearing on the allegations.

41 42 43

IT IS SO STIPULATED:

48 49

54

David V. Myton, Executive Director

Teacher Standards and Practices Commission

ULTIMATE FINDINGS OF FACT				
Harvey J. Santos violated OAR 584-020-0040 by striking students RB and MB in				
December 1996 and January 1997 respectively in violation of the Klamath County SD				
policy on corporal punishment. Harvey J. Santos was convicted of Assault IV in				
Klamath County District Court as a result of the incident in January 1997.				
CONCLUSIONS OF LAW				
CONCLUSIONS OF LAW				
Under ORS 342.175 use of unreasonable physical force or violating a school district				
policy on corporal punishment is grounds for a finding of gross neglect of duty under				
OAR 584-020-0040.				
Onk 004-020-0040.				
ORDER				
The Commission imposes a public reprimand on Harvey J. Santos. This Order				
constitutes the reprimand. Furthermore, the Commission imposes a one-year				
probation to commence with the signing of this order. During this probation, Mr.				
Santos shall:				
 Conduct himself as a law-abiding citizen. 				
2. Comply with Standards of Competent and Ethical Performance for				
Oregon Educators.				
Violation of any terms of the probation shall constitute a basis for the Commission to revoke Mr. Santos' Teaching License, after first providing to Mr. Santos notice and				
revoke Mr. Santos' Teaching License, after first providing to Mr. Santos notice and				
opportunity for hearing.				
Dated this $\frac{19}{}$ day of $\frac{\cancel{\upagenta}}{\cancel{\upagenta}}$, 1998				
Dated tills / / day of / / 1998				
TEACHER STANDARDS AND PRACTICES COMMISSION				
TEMORIER STRADARDS TRADITIONS COmmission				
$()$ $\sim $ $()$ $()$ $()$ $()$ $()$ $()$ $()$ $($				
By offmy My				
David V. Myton, Executive Director				
DVM/cs				