## BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

## OF THE STATE OF OREGON

3	In the Matter of the	) STIPULATION OF FACTS,
4	Teaching License of	FINAL ORDER OF SUSPENSION
5	PAUL DANE GIACOMELLI	) AND PROBATION

On or about September 28, 2006, the Teacher Standards and Practices Commission (Commission) received a report from Greg Thede, Superintendent, Klamath County School District, indicating that Paul Dane Giacomelli (Giacomelli) used his school computer to access sexually explicit material on the Internet.

After review of the matters alleged, Mr. Giacomelli and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the imposition of a ninety (90) day suspension of licensure followed by four (4) year period of probation upon reinstatement of Licensure. Mr. Giacomelli understands that the probation will be subject to specific conditions.

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

By signing below, Mr. Giacomelli 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, Order of Suspension 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 Mr. Giacomelli 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 1 entry of the Stipulated Final Order below; (vi) he states that no promises or representation has been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with 3 an attorney regarding this Stipulation and Final Order and has been fully advised with regard to 4 his rights thereto, or waives any and all rights to consult with an attorney prior to entering into 5 this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below. 6 This stipulation is contingent upon approval and adoption of the Order by the 7 Commission. If the Commission does not adopt this Order, neither Mr. Giacomelli nor the 8 Commission are bound by these Stipulations and Mr. Giacomelli retains all rights to a hearing 9 10 on the allegations. STIPULATION OF FACTS 11 1. Mr. Giacomelli has been licensed by the Commission since September of 1998. Mr. 12 Giacomelli holds a Basic Teaching License issued March 4, 2004, valid through March 5, 2007, 13 with a Basic Language Arts Endorsement. 2. Mr. Giacomelli began contract employment with Klamath County School District on 15 August 24, 1998. Mr. Giacomelli served as a teacher at Brixner Junior High School until 16 17 resignation in lieu of termination on September 29, 2006. 3. A District-owned computer with Internet access was present in Mr. Giacomelli's 18 classroom for his use in connection with his assigned responsibilities. The District has an 19 acceptable use policy. The District's policy prohibits the use or attempted use of equipment for 20 21 Internet access of sexually explicit materials. 4. Mr. Giacomelli used his classroom computer periodically to access sexually explicit 22 materials through the District's Internet connection in violation of District policy regarding 23 24 Internet use. 25 111 111

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1	IT IS SO STIPULATED AND AGREED TO:  Paul Dane Giacomelli  Date	
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5 6 7	Victoria Chamberlain, Executive Director Teacher Standards and Practices Commission  12-14-06 Date	
8	ULTIMATE FINDING OF FACT	
9	Paul Dane Giacomelli used the computer equipment owned by his employer, Klamath	
10	County School District, located on school premises, to access sexually explicit materials. Mr.	
11	Giacomelli was fully aware that accessing such materials at the workplace using a District	
12	owned computer was inappropriate and in violation of District policy.	
13	CONCLUSION OF LAW	
14	Paul Dane Giacomelli's inappropriate use of a District computer constitutes Gross	
5	Neglect of Duty in violation of OAR 584-020-0040(4)(q). The Commission has the authority to	
16	impose discipline in this matter under ORS 342.120 through ORS 342.430 and OAR Chapter	
17	584.	
18	FINAL ORDER	
19	The Commission adopts and incorporates herein the above findings of fact and	
20	conclusion of law, based thereon, hereby suspends the Basic Teaching License of Paul Dane	
21	Giacomelli for a period of ninety (90) days effective January 11, 2007. At the end of this	
22	suspension period Mr. Giacomelli's Initial Teaching License will be reinstated upon:	
23	1. Submission of a complete application and fees pursuant to OAR 584-050-0015(3);	
24	and	
25	2. Submission of documentation that he has undergone an evaluation by a	
26	psychotherapist or medical professional acceptable to the Commission, and the evaluator	
27	submits a written report to the Commission attesting (a) Mr. Giacomelli is fit to work with	
28	children and teenagers, and (b) there is a high probability he will not use school district	

1 equipment to access sexually explicit materials or engage in similar inappropriate behavior. Any costs associated with the assessment or treatment will be the responsibility of Mr. Giacomelli. 3 Upon the reinstatement of licensure, Mr. Giacomelli shall be placed on probation by the 4 Commission for a period of four (4) years, subject to the following conditions: 5 a. Mr. Giacomelli shall substantially comply with any treatment or counseling as recommended by the individual who completed the evaluation described above. Mr. Giacomelli 6 7 shall authorize and sign any consent forms as necessary for the treatment provider or counselor to furnish records to or discuss Mr. Giacomelli's treatment with the Commission. 8 9 b. Mr. Giacomelli shall comply with all Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules, Chapter 584, Division 10 11 020. c. Mr. Giacomelli shall provide information as requested by the Commission to verify that 12 13 he has complied with the conditions of probation, including a statement from a future employing district that he has complied with the Standards for Competent and Ethical Performance of 15 Oregon Educators. 16 Violation of the terms of this probation may constitute an independent basis for the Commission to impose discipline, up to and including revocation of Mr. Giacomelli's teaching 17 18 license subject to Mr. Giacomelli's right to a hearing on the issue of whether he violated 19 probation. Issued and dated this \_\_\_\_\_ day of January, 2007. 20 21 TEACHER STANDARDS AND PRACTICES COMMISSION 22 STATE OF OREGON 23 24 25 Victoria Chamberlain, Executive Director 26 Approved as to form Ralph Wiser OSB# 81423 Attorney for Paul Dane Giacomelli 30 [121306]