

1 denied this request and specifically informed Wayland that he was
2 not to date the student and that he was to avoid being alone with
3 the student on social occasions. She stated that the telephone
4 conversations should be severely cut back and asked that Wayland's
5 contacts with the student be limited to a student-teacher context.

6 7. In May 1993, Wayland contacted the student's mother and
7 requested permission to take the student to a rodeo dance on May
8 22, 1993. Wayland assured the student's mother that Wayland's
9 adult daughter would accompany him, and that he was not requesting
10 a "date" with the student. The mother consented but also informed
11 Wayland that she believed he could lose his job if he took the
12 student on a date.

13 On May 22, 1993, Wayland went to the student's home, picked
14 up the student and took her to the rodeo dance at the Oregon State
15 Fairgrounds. Wayland's daughter did not accompany Wayland and the
16 student to the rodeo dance. Wayland did not inform the student's
17 mother that the circumstances had changed from the way he had
18 described them and that Wayland's daughter would not be
19 accompanying Wayland and the student to the dance. Wayland
20 knowingly violated the conditions upon which the mother had given
21 permission for Wayland to take the student to the dance.
22 Wayland's actions in this respect were deceptive because they
23 misled the parents into believing that Wayland was taking the
24 student to the dance while accompanied by another adult.

25 8. While at the dance at the Oregon State Fairgrounds,
26 Wayland and the student danced almost all dances, and Wayland

1 embraced the student when he danced with her. Wayland also held
2 hands with the student and held her close to him between dances.
3 Wayland took the student to and from the dance alone.

4 9. During the summer of 1993 and while the student was
5 under age 18, Wayland accompanied the student alone on two
6 occasions to the Lancaster Mall and the Salem Center Mall holding
7 the student's hand while shopping. During this same period,
8 Wayland took the student to various restaurants in the Salem-
9 Keizer area without any other students or adults being present.

10 10. After the student's graduation in the spring of 1993 and
11 before the student's 18th birthday, Wayland went to her place of
12 employment on more than one occasion between midnight and 8 a.m. and
13 spent time alone with the student in Wayland's automobile. Prior to
14 the student's 18th birthday, Wayland took the student to restaurants
15 in the McMinnville area without being accompanied by other students
16 or other adults and without the knowledge of the students' parents.

17 11. The student reached age 18 on October 24, 1993. In
18 November, 1993, the student informed her mother that she had
19 developed strong feelings towards Wayland. In January, 1994, the
20 student and Wayland established a dating relationship.

21

22

23 12. The 1992-93 school year was a time of emotional difficulty
24 for Wayland because of the illness and the death of his wife and the
25 death of his 27-year old son-in-law.

26 ///

1 13. Based on the above conduct, the school district
2 initiated disciplinary action against Wayland. Wayland and the
3 School District entered into a written settlement agreement in
4 November 1994, for Wayland to be suspended for a period of one
5 year from September 1, 1994 to August 31, 1995. As a part of this
6 discipline, Wayland agreed to complete psychiatric counseling at
7 his own expense with the counseling to focus on the development
8 and maintenance of appropriate relationships with students.
9 Wayland was not permitted to return to his employment at the
10 Salem-Keizer School District until his psychiatrist submitted a
11 report, approved by the district, certifying that it would be
12 appropriate for Wayland to return to the classroom as a teacher,
13 and that Wayland would not be a threat to students in any way or
14 in any manner.

15 As a part of this agreement, Wayland further agreed that he
16 would not attempt in any way to subsequently deny his admissions
17 with respect to his relationship with the female student and that
18 he would not suggest in any way that his admissions had been
19 forced or coerced.

20 Wayland was re-employed by the school district for the
21 1995-96 school year.

22 14. Wayland has submitted a written report dated July 31,
23 1995, from Steven S. Sherr, a clinical psychologist. Dr. Sherr
24 administered psychological testing to Wayland. Dr. Sherr reported
25 that the testing showed Wayland to be an intellectually bright,
26 psychologically healthy person except for depression. Dr. Sherr

1 found no indications of impulsiveness, rebelliousness, antisocial
2 thoughts or feelings based on the psychological testing and Dr.
3 Sherr's interview information.

4 15. Wayland submitted a written report dated July 17, 1995,
5 from Robert J. Gross, M.D. Dr. Gross is a psychiatrist. Dr.
6 Gross reported that he had been seeing Wayland for psychotherapy
7 on a weekly basis since February 16, 1995. Dr. Gross reported
8 that his sessions with Wayland concerned appropriate teaching
9 boundaries and appropriate boundaries for any adult and child.
10 Dr. Gross reported that Wayland had deep regret and sadness about
11 the circumstances of his meeting the former student in this case.
12 Dr. Gross reported that he believes Wayland understands that he
13 went over the boundaries of what would be appropriate student-
14 teacher conduct.

15 Dr. Gross expressed the opinion based on his discussions with
16 Wayland that there is not much likelihood that Wayland would repeat
17 any of the past problems that led to inappropriate teacher-student
18 conduct. Dr. Gross concluded:

19 In summary, then, Mr. Wayland has been a cooperative
20 patient who has been in counseling essentially focused on
21 appropriate boundaries and relationships, specifically in
22 teaching relationships. He does not deny that he had too
23 close a relationship with a female student and that it was
24 an inappropriate relationship. We have explored all the
25 implications of this inappropriateness and the fact that
26 it went over appropriate boundaries. There is no evidence
of sexual contact with the female student. He understands
that there is an imbalance of power in the teacher-student
relationship and that this needs to be respected. At this
point, I have no hesitation in sending Mr. Wayland back as
a teacher in his school district with the provisos that
there should be continued contact in counseling over a
two-year period after he returns to teaching.

1 16. Wayland submitted a written report from Richard J. Mead,
2 M.D., a psychiatrist. Dr. Mead was requested by Wayland and the
3 school district to provide an independent review of Dr. Gross'
4 conclusions. Based on his review, Dr. Mead gave the following
5 opinion:

- 6
- 7 1) Johnny Wayland and Dr. Gross identified a problem, i.e.,
transgression of boundaries of what would be considered
appropriate teacher-student conduct.
 - 8 2) Johnny Wayland has acknowledged the problem of the
transgression.
 - 9 3) Johnny Wayland appears to understand the power
10 imbalance between student and teacher and how such
compromises there ever being an informed mutual
relationship between the two parties.
 - 11 4) Mr. Wayland expresses regret at his transgressions.
 - 12 5) Mr. Wayland did some grief work with Dr. Gross in
regards to the illness and death of his wife. He is
13 doing so in a proper therapeutic setting with a
professional, rather than seeking out "a
compassionate listener".
 - 14 6) Provisions have been made for Mr. Wayland to continue
15 counseling over a 2 year period upon his provisional
return to teaching.

16 I have every reason to find Dr. Gross's report credible
17 and I concur with the opinion that Johnny Wayland can be
18 returned as a teacher in his school district and that the
community can feel that no further teacher-student
transgressions will occur.

19 17. The Commission has received from Wayland's counsel a
20 substantial number of letters of support for Wayland from members of
21 the school community. These letters state that Wayland has been a
22 diligent and conscientious teacher.

23 This stipulation and order is subject to review and approval by
24 the full Commission. Should the Commission fail to approve this
25 stipulation and order as written, it is understood that any waiver
26 of rights by Wayland is therefore revoked. It is further understood

1 that those statements contained in this stipulation may not be used
2 by either party for any reason should the Commission fail to approve
3 the stipulation and proposed order.

4 Johnnie W. Wayland
5 JOHNIE WAYNE WAYLAND

5/10/96
DATE

6 David V. Myton
7 DAVID V. MYTON, EXECUTIVE SECRETARY
TEACHER STANDARDS AND PRACTICES COMMISSION

5/23/96
DATE

8
9 **ULTIMATE FINDINGS OF FACT**

10 1. Wayland developed an inappropriately close emotional
11 relationship with a female student. Wayland engaged in verbal and
12 physical conduct of an inappropriate nature with the student.

13 2. Wayland disregarded the request of the student's mother
14 that Wayland limit his contacts with the student and that Wayland
15 avoid seeing the student alone on social occasions.

16 3. Wayland deceived the student's parents by taking the
17 student to a dance alone when Wayland had assured the parents that
18 his adult daughter would be present during the occasion.

19 **CONCLUSIONS OF LAW**

20 Wayland's conduct as described above constitutes gross neglect
21 of duty under OAR 584-20-040(4).

22 **DISCUSSION**

23 Wayland's conduct is an extremely serious violation of
24 Commission standards. There is no finding of fact that sexual
25 intercourse or serious physical contact occurred between Wayland and
26 this young woman when she was under age 18, but this fact is almost

1 beside the point because Wayland clearly used his position as a
2 teacher to develop a close emotional relationship with a 17-year old
3 student. This conduct laid the groundwork for establishing an
4 emotional bond with the student that later became a romantic
5 relationship leading eventually to marriage.

6 In establishing this relationship Wayland was deceptive to the
7 student's parents. His actions also encouraged the student to be
8 deceptive to her parents. Wayland disregarded the express request
9 of the parents that he limit his contacts with the student.

10 The fact that Wayland may have been an outstanding teacher is a
11 mitigating factor, but barely so. The Commission has previously
12 imposed discipline on otherwise outstanding teachers based on an
13 inappropriate relationship with a student.

14 The fact that Wayland had experienced the death of his wife and
15 his son-in-law during this time period is a mitigating factor, but
16 barely so. Teachers often experience personal tragedies during
17 their lives. This fact cannot serve as an excuse for teachers to
18 engage in this conduct that has its own serious effects on the lives
19 of students.

20 The Commission will impose a suspension that runs
21 contemporaneously with Wayland's suspension from the school
22 district. The Commission will not revoke Wayland's license for the
23 following reasons: Wayland has already been removed from his
24 teaching position for one year based on the one-year suspension
25 without pay that he received from the Salem-Keizer School District
26 during the 1994-95 school year. Wayland apparently has an exemplary

1 teaching record, and there is no evidence that he has engaged in
2 inappropriate conduct towards students at any other time. The
3 medical evidence indicates that Wayland is not a sexual predator or
4 pedophile, and there is no other evidence to contradict this
5 conclusion. Wayland has admitted his misconduct and appears to be
6 genuinely remorseful. Wayland appears to have been honest in
7 discussing his misconduct. Wayland appears to have sufficient
8 insight to assure that he will not repeat similar misconduct towards
9 other students.

10 **ORDER**

11 The Oregon teaching license of Johnnie Wayne Wayland shall be
12 suspended, but the suspension shall run concurrently with the
13 suspension of Wayland's employment with the Salem-Keizer School
14 District from September 1, 1994 through August 31, 1995. Wayland
15 shall be placed on probation for a period of four years from the
16 date of this Order. Probation shall be subject to the following
17 conditions:

18 1. Wayland shall continue counseling on a regular basis of at
19 least once a month or as otherwise directed by his treating
20 psychiatrist or psychologist until at least September 1, 1997.

21 2. In September 1997, Wayland shall submit to the Executive
22 Secretary a written report from his treating psychiatrist or
23 psychologist describing Wayland's treatment and progress and also
24 informing the Commission whether Wayland presents any danger or
25 threat to students.

26 ///

1 Based on the report of Wayland's treating psychiatrist or
2 psychologist and any other relevant information, the Executive
3 Secretary may require Wayland to continue counseling or other
4 treatment deemed appropriate by the Executive Secretary or may
5 terminate the requirement for continued counseling.

6 3. Wayland shall consent to release upon request all
7 information concerning his counseling and treatment to the
8 Commission and shall consent that his treating psychiatrist or
9 psychologist may discuss his treatment with Commission staff.

10 4. Wayland shall not violate any professional standards under
11 OAR 584, Division 20.

12 Violation of any of the conditions of probation shall
13 constitute an independent basis for the Commission to revoke
14 Wayland's teaching license, after first providing Wayland with
15 notice and opportunity for hearing on the issue of whether Wayland
16 has violated probation.

17 DATED this 29 day of ^{MAY}~~February~~, 1996.

18 TEACHER STANDARDS AND PRACTICES COMMISSION
19 State of Oregon

20 By: David V. Myton
David V. Myton, Executive Secretary

21 APPROVED AS TO FORM:

22 Mark S. Toledo
23 Mark S. Toledo, OSB #84364
24 Attorney for Johnnie Wayne Wayland
25
26

JGM:ros\JGM0601