



1 **FINDING OF FACTS**

2 1. Mr. Barnett holds a Basic Teaching License with an endorsement in Standard  
3 Social Studies, effective June 24, 1999 through May 21, 2003. The Commission issued  
4 a Conditional Assignment Permit for Middle and High School Student Services,  
5 effective November 1, 2000 through November 1, 2003, at the request of North  
6 Clackamas School District.

7 2. Mr. Barnett was employed as a Counselor on a temporary one-year contract at  
8 Sunrise Middle School in the North Clackamas School District beginning August 28,  
9 2000, to June 18, 2001.

10 3. On June 8, 2001, a thirteen year old, female eighth-grade student reported that  
11 during a counseling session at Sunrise Middle School in February of 2001 Mr. Barnett  
12 told her she was beautiful. During subsequent weekly counseling sessions Mr. Barnett  
13 repeatedly told her she was beautiful, gave her candy, pens, a birthday card and twenty  
14 dollars in cash. Mr. Barnett gave candy, pens and birthday cards to other students at  
15 Sunrise Middle School.

16 4. On June 8, 2001, the same female eighth-grade student reported that on  
17 June 7, 2001, Mr. Barnett told her that in the middle of the night about four weeks prior  
18 he woke up and the first thing that came to his mind was her. Mr. Barnett told the  
19 student that he loved her and that she should know about his feelings. He told the  
20 student that he was not the kind of person who could love someone and not tell them.

21 5. The thirteen year old, female eighth-grade student told police that as a  
22 counselor, Mr. Barnett should know that he shouldn't be talking to students in that  
23 manner.

1 6. There is no evidence that there was any physical contact nor is there evidence  
2 that there were conversations of a sexual nature between Mr. Barnett and the eighth-  
3 grade female student.

4 7. Mr. Barnett recognizes the egregiousness of the alleged conduct and  
5 surrenders his license on the basis of the above facts and agrees to the suspension of  
6 his license.

7 This stipulation is contingent upon approval and adoption of the Order by the  
8 Commission. If the Commission does not adopt this Order, neither Mr. Barnett nor the  
9 Commission are bound by these Stipulations and Mr. Barnett retains all rights to a  
10 hearing on the allegations.

11 IT IS SO STIPULATED:

12 Jerry Don Barnett 10/24/01  
13 Jerry Don Barnett Date

14 David V. Myton 10/18/01  
15 David V. Myton, Executive Director Date  
16

17 **CONCLUSION OF LAW**

18 Mr. Barnett's actions set forth above constitute Gross Neglect of Duty as per  
19 OAR 584-020-0040(4)(o). Mr. Barnett violated OAR 584-020-0035(1)(b) by exploiting  
20 his professional relationship with the student. He violated OAR 584-020-0035(1)(c)  
21 when he failed to maintain an appropriate student-teacher relationship with the student.

22 **ORDER**

23 The Commission accepts the surrender of Mr. Barnett's Basic Teaching License  
24 and hereby suspends the Oregon Basic Teaching License of Jerry Don Barnett effective

1 November 16, 2001 for a period of one year. At the end of this suspension period, Mr.  
2 Barnett's Teaching License shall be reinstated providing he meets the following  
3 conditions:

4 1. Complete application as per OAR 584-050-0015(3) together with required  
5 supporting documentation and fees;

6 2. Documentation that he has completed (at his own expense), an intensive  
7 education program regarding appropriate boundaries with students, including sexual  
8 harassment education conducted by a qualified trainer or counselor approved in  
9 advance by the Commission. This intensive training shall consist of, at least, five (5)  
10 one and one-half (1 ½) hour sessions. Mr. Barnett shall provide the trainer with a copy  
11 of this Order. The program trainer shall provide the Commission with a report of  
12 successful program completion;

13 3. Documentation that he has undergone an evaluation by a psychotherapist or  
14 medical professional acceptable to the Commission. The evaluator shall submit a  
15 written report to the Commission attesting (1) Mr. Barnett is fit to work with children and  
16 teenagers, and (2) there is a high probability he will not engage in conduct similar to the  
17 alleged inappropriate behavior. Any costs associated with the assessment or treatment  
18 will be the responsibility of Mr. Barnett;

19 Upon reinstatement of his teaching license, Mr. Barnett shall be placed on  
20 probation for a period of two years and subject to the condition that he comply with all  
21 Standards for Competent and Ethical Performance under Chapter OAR 584, Division  
22 020.

1 Violation of the terms of this probation may constitute an independent basis for  
2 the Commission to impose discipline, up to and including revocation of Mr. Barnett's  
3 teaching license subject Mr. Barnett's right to a hearing on the issue of whether he  
4 violated probation.

5 Dated this 12<sup>th</sup> day of November, 2001

6 TEACHER STANDARDS AND PRACTICES COMMISSION

7  
8 By: David V. Myton  
9 David V. Myton, Exedutive Director

10  
11 APPROVED AS TO FORM

12  
13 Elizabeth A. Joffe  
14 Elizabeth A. Joffe, OSB# 94024  
15 Attorney for Jerry Don Barnett  
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