BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 STIPULATION OF FACTS, In the Matter of the SURRENDER, AND 4 ORDER OF REVOCATION Teaching License of 5 ROBBY E TATE, JR. 6 7 On or about April 22, 2002, the Teacher Standards and Practices Commission 8 (Commission) received a report from Charles L. Barker, Superintendent, Three Rivers 9 School District, indicating that Robby E. Tate, Jr., (Tate) violated a District directive, 10 issued on June 19, 2001, by failing to maintain professional boundaries with a female 11 student at Hidden Valley High School during the 2001-2002 academic year. 12 After review of the matters alleged, Mr. Tate and the Commission agree that their respective interests, together with the public interest, are best served by a 14 stipulation to certain facts and surrender of his teaching license pursuant to OAR 584-15 050-0027. 16 This Order sets forth the facts upon which the parties have agreed and the 17 sanction to be imposed. In entering into this stipulation, Mr. Tate waives the right to a 18 hearing to contest the finding of fact, conclusion of law and order set forth below. Mr. 19 Tate understands that the Commission will revoke his teaching license. 20 This stipulation is contingent upon approval and adoption of the Order by the 21 Commission. If the Commission does not adopt this Order, neither Mr. Tate nor the 22 Commission are bound by these Stipulations and Mr. Tate retains all rights to a hearing 23 on the allegations. 24

## STIPULATION OF FACTS

Mr. Tate and the Commission stipulate to the following facts and that there is substantial evidence in the record to support these facts:

- 1. The Commission issued Mr. Tate's current Standard Teaching License on August 21, 2000, valid until September 26, 2005, with a Standard Advanced Mathematics Endorsement.
  - Mr. Tate began his employment with Three Rivers School District in August of
     Mr. Tate served as a math teacher and a coach until his resignation effective the
     end of the 2001-2002 school year.
    - 3. Mr. Tate became involved in an overly personal relationship with a female student he coached during the 2000-2001 school year. During that period, Mr. Tate sent the student email messages that were excessively personal and went beyond subjects appropriate to a teacher-student relationship. He also engaged in frequent telephone conversations with the student for personal and non-professional reasons.
    - 4. Mr. Tate was investigated by the Josephine County Sheriff's office as a result of his contact with this student in June of 2001. At that time, the student and Mr. Tate denied the allegations. No criminal charges were filed as a result of the investigation. However, the Josephine County Child Abuse team indicated that Mr. Tate's, "... contact with the female student was excessive and beyond the realm of a teacher or coach's usual contact."
    - 5. Three Rivers School District reprimanded Mr. Tate for failing to maintain a professional student-teacher relationship with the female student by letter dated June 19, 2001. The Reprimand directed Mr. Tate to: maintain professional boundaries with students; not to discuss his personal life with students; keep his classroom door open

when talking with a student; and directed to inform his building principal and refer to a

2	counselor any student who may have a 'crush' or emotional attachment.
3	6. During the spring of 2002, Mr. Tate violated the district's directive by
4	continuing to have personal contacts with the student away from the school for non-
5	educational purposes.
6	7. During the school day on March 15, 2002, Mr. Tate reported to the district that
7	he was sick and left work. In fact he was not sick, and school district officials were
8	unable to reach him for the remainder of the day.
9	8. On April 19, 2002, Three Rivers School District issued a Finding of Fact and
10	Recommendation for Dismissal indicating that Mr. Tate violated the June 19, 2001
11	directive by failing to maintain a professional student-teacher relationship with the
2	female student. Thereafter, Mr. Tate resigned his teaching position, effective at the end
13	of the school year.
14 15 16	Robby E. Tate, Jr. $\frac{11/21/0.3}{\text{Date}}$
15	Robby E. Tate, Jr.    Tate, Jr.   Date
15 16 17 18 19	Victoria Chamberlain, Executive Director Teacher Standards and Practices Commission  12-22-03.  Date
15 16 17 18 19 20	Victoria Chamberlain, Executive Director Teacher Standards and Practices Commission  CONCLUSIONS OF LAW
15 16 17 18 19 20	Nictoria Chamberlain, Executive Director Teacher Standards and Practices Commission  CONCLUSIONS OF LAW  1. Mr. Tate failed to refrain from exploiting his professional relationship with a
15 16 17 18 19 20 21	Victoria Chamberlain, Executive Director Teacher Standards and Practices Commission  CONCLUSIONS OF LAW  1. Mr. Tate failed to refrain from exploiting his professional relationship with a female student for personal purposes and failed to maintain a professional
15 16 17 18 19 20 21 22 23	Victoria Chamberlain, Executive Director Teacher Standards and Practices Commission  CONCLUSIONS OF LAW  1. Mr. Tate failed to refrain from exploiting his professional relationship with a female student for personal purposes and failed to maintain a professional student-teacher relationship with a student. This conduct constitutes Gross
15 16 17 18 19 20 21 22 23 24	Victoria Chamberlain, Executive Director Teacher Standards and Practices Commission  CONCLUSIONS OF LAW  1. Mr. Tate failed to refrain from exploiting his professional relationship with a female student for personal purposes and failed to maintain a professional

	2. Mr. Tate violated school district policies and the provisions of his employment
1	contract by taking sick leave for a period of time when he was not sick. This
2	conduct constitutes Gross Neglect of Duty in violation of OAR 584-020
3	0040(c) and 584-020-0040(4)(0) as that rule incorporates OAR 584-020-
4	
5	0035(2)(b) and (3)(a) ORDER
6	The Commission accepts the surrender of Mr. Tate's Standard Teaching License
7	
8	and hereby revokes said licensure issued to Robby E. Tate, Jr.
9	Under ORS 342.175(3), any person whose license has been revoked may apply
10	to the Commission for reinstatement after one-year from the date of revocation. If Mr.
11	Tate should apply for reinstatement at some future date, the decision would lie within
	the discretion of the Commissioners who consider the matter at that time. Without
13	limiting the discretion of future Commissioners, it is expected, at a minimum, that Mr.
14	Tate would clearly demonstrate through his actions and through evidence supplied by
15	an expert, that he does not have a mental or physical condition that would cause him to
16	form inappropriate relationships with students, that he has developed satisfactory
17	insight and personal control in the area of appropriate student-teacher boundaries, and
18	that there is a high probability he will not engage in similar misbehavior or other
19	professional misconduct in the future.
20	<i>III</i>
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23	<i>III</i>
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1	IT IS SO ORDERED this 15th day of Lanuary, 200
2	TEACHER STANDARDS AND PRACTICES COMMISSION
3	11. W. 1. A.
<b>4</b> 5	By: <u>I Man Manual Community of Manual Communit</u>
6	Approved as to form:
7	
8	du Bulgal
9	John S. Bishop, OSB #89022
10	Attorney for Robby E. Tate, Jr.
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