

MAR. 6. 2002 9:05AM JACKSON CO SD 6	
Post-It Fax Note 7671	Date 03.06.02 # of pages 5
To JOHN BISHOP	From DAVID CLAIR
To/Dept.	Co.
Phone #	Phone # (541) 664-1611
Fax #	Fax # (541) 664-1637

FOR THE
TEACHER STANDARDS AND PRACTICES COMMISSION
OF OREGON

3 In the Matter of the Teaching License of
4
5 DAVID ANDREW CLAIR

STIPULATION AND ORDER OF SUSPENSION

7 On July 18, 2001, the Teacher Standards and Practices Commission (Commission) issued
8 a notice of opportunity for hearing to David Andrew Clair. Mr. Clair requested a hearing to
9 contest the allegations in the notice, and a hearing was scheduled for February 25, 2002.

10 Mr. Clair and the Commission have now reviewed the matters alleged and have agreed
11 that their respective interests, together with the public interest, would be served by entry of a
12 stipulation and order of suspension of Mr. Clair's teaching license, followed by a period of
13 probation. Mr. Clair does not admit that he engaged in wrongdoing or violated any standards of
14 professional conduct. However, Mr. Clair stipulates that there are sufficient facts contained in
15 the files and records of the Commission to support the findings of fact and conclusions of law set
16 forth below. In entering into this stipulation, Mr. Clair consents to the Commission making these
17 findings and conclusions, and he understands that the Commission will enter an order suspending
18 his teaching license.

19 This stipulation and order is subject to approval by the Commission at its next scheduled
20 meeting. If the Commission does not adopt this stipulation and order, neither Mr. Clair nor the
21 Commission shall be bound by any matters contained herein, and Mr. Clair shall retain his rights
22 to a hearing on the allegations in the notice.

23

1 IT IS SO STIPULATED:
2

3 David A. Clair
4 David Andrew Clair

3/5/02
Date

5 David V. Myton
6 David V. Myton

3/6/02
Date

7
8 FINDINGS OF FACT

- 9 1. Mr. Clair holds a Standard Oregon Teaching License. He has been employed as a
10 middle-school teacher with the Central Point School District since September
11 1976.
- 12 2. On May 5, 2000, the school district placed Mr. Clair on administrative leave. On
13 about October 2000, the district reassigned Mr. Clair to a position at the technical
14 center at the high school. In January 2002, Mr. Clair and the district entered into
15 an agreement in which Mr. Clair agreed to continue in a non-certified position at
16 the technical center of the high school.
- 17 3. On several occasions in 1999 and in 2000, Mr. Clair addressed middle-school
18 female students in an overly familiar and overly personal manner. This conduct
19 caused the students to be uncomfortable and created an intimidating, hostile or
20 offensive educational environment.
- 21 4. On various occasions in 1999 and 2000, Mr. Clair touched the shoulders, face or
22 hands of female middle-school students in a manner that was offensive to the
23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

students and created an intimidating, hostile or offensive educational environment.

CONCLUSIONS OF LAW

The conduct described in paragraphs three and four constitutes gross neglect of duty in violation of OAR 584-020-0040(4)(1).

ORDER

The Oregon Teaching License of David Andrew Clair is suspended for a period of 60 days. Upon expiration of the period of suspension, Mr. Clair's teaching license shall be reinstated upon the following conditions:

1. Mr. Clair shall submit an application for reinstatement under OAR 584-050-0015.
2. Mr. Clair shall, at his own expense, obtain an evaluation from an evaluator who is acceptable to the Commission. The evaluator shall provide a written report to the Commission. The report shall contain:
 - a. A statement that in the professional opinion of the evaluator, Mr. Clair is fit to work with children and high school and middle-school students and there is a high probability that in the future Mr. Clair will not make suggestive or inappropriate comments to students and will not have inappropriate physical contact with students; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

- b. A list of the processes and techniques used in the evaluation, for example testing, interviews, etc. and a list of the materials used in the evaluation; and
 - c. An explanation for the basis of the evaluator's findings; and
 - d. The evaluator's recommendation whether Mr. Clair should participate in continuing counseling or treatment.
3. Mr. Clair shall provide a copy of this order and a copy of the Commission's investigation report to the evaluator and shall cooperate in the evaluation that may include, testing, interviews and any other activities the evaluator considers necessary to complete the evaluation.
4. The Commission shall consider the evaluation report to be confidential and containing personal information, the disclosure of which would constitute an unreasonable invasion of privacy.
5. Upon reinstatement of his teaching license, Mr. Clair shall be placed on probation to the Commission for a period of two years, subject to the following conditions:
- a. Mr. Clair shall comply with all standards for competent and ethical performance under OAR 584 Division 020; and
 - b. Mr. Clair shall participate in any counseling and treatment as recommended by the evaluator; and
 - c. Mr. Clair shall provide consent from his treatment provider to contact the Commission or to respond to Commission inquiries in

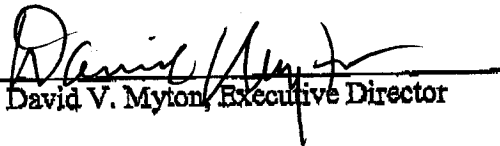
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

order to verify Mr. Clair's participation and cooperation with the evaluator's recommendations.

6. Violation of any of the conditions of probation may constitute an independent basis for the Commission to impose discipline, up to and including revocation of Mr. Clair's Oregon Teaching License, subject to his right to a hearing on the issue of whether he violated probation.

IT IS SO ORDERED the 8th day of March, 2002.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: 
David V. Myton, Executive Director