

1
2 BEFORE THE
3 TEACHER STANDARDS AND PRACTICES COMMISSION
4 STATE OF OREGON
5


6 In the Matter of the)
7 Teaching License of)
8 FRANCINE LYNN KAUFMAN)
9)

10
11
12 FINAL ORDER
13

14 By resolution dated November 19-20, 1998, the Teacher Standards and
15 Practices Commission adopts the attached proposed order to revoke Francine
16 Lynn Kaufman's right to reinstate her Oregon Teaching License for a period of
17 one year from the date of this order. Requirements are adopted as specified in
18 the attached order.

19
20
21 DATED THIS 30th day of November, 1998.
22

23 TEACHER STANDARDS AND PRACTICES COMMISSION
24

25
26 By 
27
28 David V. Myton, Executive Director
29

30 NOTICE: YOU ARE ENTITLED TO A JUDICIAL REVIEW OF THIS ORDER.
31 JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW
32 WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW
33 IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON
34 COURT OF APPEALS.
35
36

1 Exhibit 5 - Amended Notice of Opportunity for Hearing.

2 Licensee Exhibits:

3 Exhibit 1 – Letter dated April 2, 1998, from Charlene Smith to Francine Kaufman.

4 Exhibit 2 – Letter dated July 17, 1998, from Francine Kaufman to David Myton.

5 Exhibit 3 – Letter dated August 10, 1998, from Gary Cordy to Francine Kaufman.

6 Exhibit 4 – Letter dated September 4, 1998, from Francine Kaufman to
7 TSPC/Commissioners or Executive Secretary (Director) David Myton.

8 Exhibit 5 – Letter dated September 15, 1998, from Gary Cordy to Francine Kaufman.

9 Exhibit 6 – Letter dated April 16, 1984, from Robert W. Minnis to Portland State
10 University, re: Francine Kaufman.

11 Exhibit 7 – Letter dated June 29, 1998, from Franke Thomas to “To Whom It May
12 Concern.”

13 Exhibit 8 – Reynolds High School Teacher Scheduled 1996-97 (5/16/97).

14 Exhibit 9 – Multnomah ESD District Days Report – Substituting – Francine Kaufman.

15 Exhibit 10 – Centennial High School – 1st Semester Schedule, dated September 1997
(Revised 9/19) – 4 pages.

16 RULINGS

17 Rulings on objections made during the course of the hearing were made by the Chairman
18 and are ratified and adopted.

19 FINDINGS OF FACT

- 20 1. Francine Lynn Kaufman was issued her initial Oregon Basic Teaching License with a
21 physical education endorsement on August 17, 1979 and was continuously licensed until
22 September 14, 1998.
 - 23 2. During the relevant period of time Ms. Kaufman was available for employment as a
24 substitute and was registered through the Multnomah ESD Substitute Finder Service in
25 addition to being subject to call by individual schools.
- 26

- 1 3. During the spring of 1997, Ms. Kaufman was called as a substitute at Reynolds High
2 School. During the day of Kaufman's substitute assignment, Reynolds High school
3 conducted an earthquake drill as required by ORS 336.071. Kaufman would not
4 immediately leave the building when instructed by school security personnel. Ms.
5 Kaufman was approached by the principal, Steve Olczak, and continued in her refusal to
6 leave until Olczak issued a direct order to her. Once outside, Kaufman would not move
7 the required distance from the building until Olczak again issued a direct order to her.
- 8 4. As a result of this incident, and Kaufman's inappropriate interpersonal interactions with
9 school personnel, Kaufman's name was removed from the Multnomah ESD Substitute
10 Finder List for Reynolds School District.
- 11 5. On April 25, 1997, Ms Kaufman was called as a substitute, at Fernwood Middle School
12 (Portland Public School District). Kaufman began audio tape recording staff members
13 and students in violation of a prior direct order from Portland Public Schools Department
14 of human Resources to cease this activity.
- 15 6. By letter dated May 20, 1997, Kaufman was informed that she was removed from the
16 substitute list for Portland Public School district in accordance with the collective
17 bargaining agreement. This action was triggered by the Fernwood incident and was due
18 to a continued pattern of incidents over a period of three years in which Kaufman was
19 confrontational and exhibited unprofessional conduct in her substitute assignments.
- 20 7. On September 25, 1997, Ms. Kaufman was called to serve as a substitute at Centennial
21 High School. During this assignment, Ms. Kaufman had numerous interactions with staff
22 members, which exhibited professionally inappropriate behaviors. For example, Ms.
23 Kaufman approached two staff members and demanded directions to the cafeteria in five
24 words or less, and became agitated when staff members failed to respond as requested.
25 Also, during that day, Kaufman refused to wear a name badge required of substitute
26 teachers, turned off the classroom intercom, and left her class unattended.
8. Also on September 25, 1997, at Centennial High School, Kaufman told Arlene Lewis, a
classroom aide, to leave the classroom even though it was Ms. Lewis' assigned
responsibility and she had ongoing duties to fulfill in that classroom.
9. On September 26, 1997, Ms. Kaufman was called to serve at substitute at Centennial
High School by Multnomah ESD Substitute Finder Service. Upon arriving at Centennial
High School, Ms. Kaufman was informed that the school did not need her services that
day, but that she would be paid for the day. Kaufman refused to leave the building when
Principal Curt Heath asked her to leave.
10. Charlene Harris, Human Resource Director for Centennial SD, was called at the central
office and asked to come to the high school to speak directly with Kaufman. Harris
explained that her services were not needed and that she needed to leave the building.
Ms. Kaufman only left the building after a lengthy negotiation with Ms. Harris, and only
after Harris said she would call the police to have her removed.

1 11. As a result of these incidents, Kaufman's name was removed from the Multnomah ESD
2 Substitute Finder List for Centennial School District.

3 CONCLUSIONS OF LAW

4 Kaufman's conduct bears a demonstrable relationship to her fitness to serve as an
5 educator:

- 6 1. Kaufman violated OAR 584-20-010, 030, 040 on September 25 and 26, 1997, at
7 Centennial High School when she engaged in the acts set out in paragraphs 1 through 4 of
8 the Amended Notice.
- 9 2. Kaufman violated OAR 584-010, 030, 040 on or about April 25, 1997 at Fernwood
10 Middle School when she engaged in the acts set forth in paragraph 5 of the Amended
11 Notice.
- 12 3. Kaufman violated OAR 584-20-010, 025, 030, 040 in the spring of 1997 at Reynolds
13 High School when she refused to comply with directives as set forth in paragraph 7 of the
14 Amended Notice.
- 15 4. Kaufman violated OAR 584-20-010, 025, 030, 040 during 1995-97 in Portland public
16 schools when she engaged in acts set forth in paragraph 8 of the Amended Notice.

17 OPINION

18 Ms. Kaufman has been removed from the Multnomah ESD's Substitute Finders List by
19 Reynolds, Centennial and Portland Public School districts. Ms. Kaufman was removed from
20 each of these school district lists for repeated incidents. These action were due to a continuing
21 pattern of incidents in which Kaufman was confrontational, disruptive, insubordinate and
22 exhibited unprofessional conduct in her substitute assignments.

23 Ms. Kaufman's inability to follow school district directives created an environment that
24 was not conducive to the education process and was in violation of OAR 584-020, 010, 025,
25 030, and 040.

26 Ms. Kaufman has held an Oregon Teaching License for 19 years and apparently has had
prior success in her substitute assignments. However, in the last three years, there are numerous
documented incidents in at least three school districts, which indicate a pattern of Ms. Kaufman's
inability to conduct herself in a professionally appropriate manner. It is the panel's opinion that

1 Ms. Kaufman should seek treatment with a mental health professional to aid in her abilities as a
2 licensed educator and enable her to maintain appropriate personal relationships for a school
3 environment.

4 ORDER

5 After considering the factors listed in OAR 584-20-045, the Commission revokes
6 Francine Kaufman's right to reinstate her Oregon Teaching License for a period of one year from
7 the date of this Order. The Commission further requires that prior to reinstatement Kaufman
8 provide evidence of her mental fitness to serve as an educator. To meet this requirement
9 Kaufman shall submit a letter from a mental health provider approved by the Executive Director
10 which indicates that she is able to perform the duties of a licensed teacher along with her
11 application of reinstatement of her teaching license. Kaufman shall submit a release to permit
12 the Executive Director to obtain written and oral information deemed relevant by the Executive
13 Director from Kaufman's mental health provider in order for the Executive Director to determine
14 whether Kaufman is fit to resume teaching in accord with ORS 342.175(3).

15 Upon reinstatement of her teaching license, Kaufman shall be placed on probation for a
16 period of one year. The terms of the probation are as follows:

- 17 1. Kaufman shall comply with the Standards for Competent and Ethical Performance for
18 Oregon Educators, OAR 584, Division 020.
- 19 2. Kaufman shall receive mental health services as determined appropriate by a qualified
20 mental health provider, approved by the Executive Director.
- 21 3. As a condition of probation, Kaufman authorizes her mental health provider to notify the
22 Executive Director if she fails to comply with treatment recommendations.
- 23 4. Failure to comply with treatment recommendations, unless excused by the Executive
24 Director, will constitute a violation of probation.
- 25 5. Failure to comply with probation shall constitute an independent basis for the
26 Commission to suspend or revoke Kaufman's license. Kaufman will be given notice and
opportunity to contest whether she has violated probation, prior to a sanction being
imposed.

1 DATED this 24th day of November 1998.

2 TEACHER STANDARDS AND PRACATICES COMMISSION

3
4 By: David V. Myton
5 David V. Myton, Executive Director

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26