BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 1 OF THE STATE OF OREGON 2 STIPULATION OF FACTS AND 3 In the Matter of the FINAL ORDER OF REPRIMAND) 4 **Educator License of** AND PROBATION 5 JOHN MICHAEL DAVIS 6 On October 14, 2014, the Teacher Standards and Practices Commission 7 (Commission) received an application for the renewal of John Michael Davis' (Davis) 8 educator license. Davis affirmatively answered two application character questions 9 resulting in his application being referred to Professional Standards for review and 10 subsequent investigation. 11 After review of the matters alleged, Davis and the Commission agree that their 12 respective interests, together with the public interest, are best served by a stipulation to 13 certain facts and the imposition of a public reprimand. 14 By signing below, Davis acknowledges, understands, stipulates, and agrees to the 15 following: (i) he has been fully advised of his rights to notice and a hearing to contest the 16 findings of fact, conclusions of law, and order set forth below, and fully and finally 17 waives all such rights and any rights to appeal or otherwise challenge this Stipulation of 18 Facts and Final Order of Reprimand and Probation (Stipulation and Final Order); (ii) 19 this Stipulation and Final Order is a public document and disclosed to the public upon 20 request by the Commission; (iii) this Stipulation and Final Order is contingent upon and 21 subject to approval and adoption by the Commission. If the Commission does not 22 approve and adopt this Stipulation and Final Order, then neither Davis nor the 23 Commission are bound by the terms herein; (iv) he has fully read this Stipulation and 24 Final Order, and understands it completely; (v) he voluntarily, without any force or 25 duress, enters into this Stipulation and Final Order and consents to issuance and entry of 26 the Stipulated Final Order below; (vi) he states that no promise or representation has 27 been made to induce him to sign this Stipulation and Final Order; and (vii) he has 28 consulted with an attorney regarding this Stipulation and Final Order and has been fully 29 advised with regard to his rights thereto, or waives any and all rights to consult with an 30 attorney prior to entering into this Stipulation and Final Order and issuance and entry of 31 the Stipulated Final Order below. 32 STIPULATION OF FACTS 33 1. John Michael Davis has been licensed by the Commission since October 27, 2000. 34 Davis' Initial II Teaching License, with endorsements in Multiple Subjects (MIDLVL), 35 Social Studies (HS, ML), and Spanish (HS, ML); is valid from October 28, 2010, through 36

1.

1		October 18, 2014. On October 14, 2014, Davis made timely application for the renewal of
2		his license. The expiration of Davis' license was pended while an investigation could be
3		completed regarding affirmative answers to the Character Question portion of Davis'
4		application. During all relevant times, Davis was employed by the Eugene School
5		District.
6	2.	On October 14, 2014, TSPC received Davis' application for the renewal of his educator
7		license. Davis answered affirmatively to questions three and seven of the character
8		question portion of the application, indicating Davis had been placed on leave by his
9		employer for alleged misconduct, and that Davis had been disciplined by a public agency
10		related to educational licensure. As required, Davis provided written explanation of his
11		affirmative answers. Davis' explanations prompted an investigation by the Commission.
12	3.	Investigation determined that during the 2012-2013 school year, Davis engaged in a
13		series of inappropriate student interactions:
14		a. Davis deliberately and repeatedly mispronounced the Spanish word "pagina" to
15		rhyme with "vagina" in class.
16		b. Davis made comments about female students' clothing and failure to adhere to
17		the school dress code, which made those students feel uncomfortable.
18	4.	Davis independently and promptly sought counseling and treatment related to the
19		alleged conduct.
20		
21	IT IS S	O STIPULATED:
22 23		John M Davis 31 May 2016 Date Date
24 25	John M	Mchae Davis Date
26 27	_ <i>Ull</i>	Wella Manbedain 6-13-16
27 28	Victoria	a Chamberlain, Executive Director Date r Standards and Practices Commission
	Teache	i Standards and Fractices Commission
29		
30		
31		CONCLUSION OF LAW
32		John Michael Davis violated professional standards as described above. This
33		t constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-
34		40(4)(n) as it incorporates OAR 584-020-0010(1) (Recognize the worth and

٠ ۽

1	dignity of all persons and respect for each individual), OAR $584-020-0010(5)$ (Use			
2	professional judgment), OAR 584-020-0025(2)(e) (Using district lawful and			
3	reasonable rules and regulations), OAR 584-020-0030(2)(b) (Skill in communicating			
4	with administrators, students, staff, parents, and other patrons), and (OAR 584-020-			
5	0040(4)(0) as is incorporates OAR 584-020-0035(1)(c)(D) (Honoring appropriate			
6	adult boundaries with students in conduct and conversation at all times).			
7	The Commission's authority to impose discipline in this matter is based upon			
8	ORS 342.175.			
9	///			
10	ORDER			
11	Based on the foregoing, the Commission hereby orders as follows:			
12	The Commission adopts and incorporates herein the above findings of fact and			
13	conclusions of law, and based thereon, imposes a Public Reprimand on John Michael			
14	Davis' Educator License.			
15	Furthermore, the Commission imposes four (4) years of probation upon Davis to			
16	commence upon finalization of this order subject to the following terms and conditions			
17	of probation:			
18	1. Davis shall comply with the Standards for Competent and Ethical			
19	Performance of Oregon Educators under Oregon Administrative Rules			
20	Chapter 584, Division 020.			
21	2. Within the first year of probation, Davis will successfully complete the			
22	National Association of State Directors of Teacher Education and			
23	Certification (NASDTEC) course titled "Prevention and Correction". Davis			
24	will supply written proof of such compliance to the Commission within			
25	the first year of his probation period.			

1	3. Davis will continue to comply with any recommended, ongoing treatment
2	related to his alleged conduct.
3	Violation of any term or condition of probation shall constitute an independent basis for
4	the Commission to revoke Davis' educator license or otherwise impose discipline, after
5	first providing Davis with notice and opportunity for hearing.
6	
7	Issued and dated this 27 day of June, 2016.
8	
9 10	TEACHER STANDARDS AND PRACTICES COMMISSION STATE OF OREGON
11 12 13	By Manuelain Victoria Chamberlain, Executive Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Reprimand and Probation, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail – Return Receipt Requested, addressed to:

> John Michael Davis 3155 Crocker Rd Eugene, OR 97404-1656

DATED this ______ day of July, 2016.

By:

Patty Sheldon

Investigative Assistant

Certificate of Mailing - JOHN MICHAEL DAVIS

Data Classification Level: 1 – Published

DO: Sheldon