BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON

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4 5 6 7	In the Matter of the) DEFAULT ORDER REVOKING Teaching License of) RIGHT TO APPLY FOR LICENSURE KENNETH JOHN CUSHING)
8	On October 27, 2004, the Teacher Standards and Practices Commission (Commission)
9	issued a Notice of Opportunity for Hearing to Kenneth John Cushing (Cushing) in which the
10	Commission charged him with misconduct under ORS 342.175. The Notice was sent via U.S.
11	First Class Mail and U.S. Certified Mail Receipt 7003 2260 0000 8922 8821 to the address
12	obtained by the Commission. The certified mail receipt was signed by Mr. Cushing and
13	returned to the Commission on November 1, 2004. The Notice of Opportunity of Hearing, dated
14	October 27, 2004, and signed by Victoria Chamberlain, Executive Director, stated:
15 16 17 19 20 21	"You, Kenneth John Cushing, are entitled to a hearing on the proposed action of the Commission. If you want a hearing, you must file a written request for a hearing with the Commission within 21 days of the date of this notice. Attached to this notice is a copy of the procedures, right of representation and other rights of parties relating to the conduct of a hearing as required under ORS 183.413(2)."
22	Mr. Cushing did not request a hearing. The Commission, therefore, finds
23	Mr. Cushing to be in default and enters the following findings of fact, conclusions of law
24	and order, based on the files and records of the Commission concerning this matter.
25	FINDINGS OF FACT
26	1. Mr. Cushing held an Initial License of Accomplishment restricted to Salem-Keizer
27	School District with an endorsement in Basic Spanish, issued April 23, 2002. Said license
28	expired on December 25, 2003.
29	2. During the 1999-2000 school year, Mr. Cushing made inappropriate sexual
30	comments, touched female students and touched the buttocks of female students attending
31	Whiteaker Middle School.

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5. During the 1999-2000 and the fall 2000 school years, Mr. Cushing repeatedly massaged or squeezed the shoulders of MM, a female student, in the classroom at Whiteaker Middle School.

6. During the 1999-2000 school year, Mr. Cushing slapped the buttocks of MM, a female student, in the classroom at Whiteaker Middle School.

7. During the 2000-2001 school year, Mr. Cushing repeatedly squeezed, pinched or massaged BH, a female student at Whiteaker Middle School, about the shoulder area and pinched her in the ribs on one occasion.

8. In September of 2001, Mr. Cushing lifted the arm of CI, a female student attending Claggett Creek Middle School, and tickled her in the torso area.

9. In December of 2001, Mr. Cushing grabbed JJ, a female student attending Claggett Creek Middle School, by the hips and then placed his hands on her back and tickled her.

10. On or about January 4, 2002, Mr. Cushing referred to BB, a female student, as "hey skinny", placed his hand on her waist and squeezed her skin.

11. In February of 2004, Mr. Cushing told a female student, attending Claggett Creek Middle School, during class that "Something smells like tuna, Lisa, put your legs together."

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CONCLUSIONS OF LAW

2	Items 1 through 11 above constitute Gross Unfitness in violation of OAR 584-020-
3	0040(4)(f) and OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5). The
4	Commission's authority to impose discipline in this matter is based upon ORS 342.175.
5	ORDER
6	The Commission adopts the above findings of fact and hereby revokes Kenneth John
7	Cushing's right to apply for licensure.
8	IT IS SO ORDERED thisday of January, 2005.
9 .	TEACHER STANDARDS AND PRACTICES COMMISSION
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11 12	Bu Turbona Namberlain
13 14	Victoria Chamberlain, Executive Director
15	NOTICE OF APPEAL OR RIGHTS
17 18	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE
19	OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS

183.482 TO THE OREGON COURT OF APPEALS.

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CERTIFICATE OF MAILING

3	I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me
4	as such by regular U.S. mail and by U.S. Certified Mail—Return Receipt Requested, addressed
5	to:
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7	Kenneth John Cushing
8	485 Marino Drive N
9	/_ Keizer, OR 97303
10	214
11	Dated this <u>\(\square \) \(\lambda \) day of January, 2005.</u>
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14	$\mathcal{G}(\mathcal{A})$
15	By: / / Woodt Nambor
16	Melody Hanson, Executive Assistant