

1 **STIPULATION OF FACTS**

2 1. Mr. Spinney holds an Initial Teaching License issued September 21, 2001,
3 valid through April 5, 2005, with a Health Education Endorsement.

4 2. Mr. Spinney began employment with the Sweet Home School District as a
5 Health/Physical Education Teacher at Sweet Home High School in August of 2001. On
6 March 7, 2003, Mr. Spinney resigned his teaching position in lieu of non-renewal
7 effective June 13, 2003.

8 3. A District-owned computer with Internet access was present in Mr. Spinney's
9 classroom for his use in connection with his assigned responsibilities. The District has a
10 clearly defined, acceptable use policy. The District's policy prohibits the use or
11 attempted use of equipment for Internet access of sexually explicit materials.

12 4. Mr. Spinney used his classroom computer on June 18, 23 and 24, 2003, to
13 access sexually explicit materials through the District's Internet connection in violation of
14 District policy regarding Internet use.

15 IT IS SO STIPULATED:

16 Kevin Wayne Spinney
17 Kevin Wayne Spinney

4/16/04
Date

18 Victoria Chamberlain
19 Victoria Chamberlain, Executive Director
20 Teacher Standards and Practices Commission

3-17-04
Date

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ULTIMATE FINDING OF FACT

Kevin Wayne Spinney used the computer equipment owned by his employer, Sweet Home School District, located on school premises, to access sexually explicit materials. Mr. Spinney was fully aware that accessing such materials at the workplace using a District owned computer was inappropriate and in violation of District policy.

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CONCLUSION OF LAW

Kevin Wayne Spinney's inappropriate use of a District computer constitutes Gross Neglect of Duty in violation of OAR 584-020-0040(4)(q). The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

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ORDER

Kevin Wayne Spinney's Initial Teaching License is suspended for a period of ninety (90) days effective on May 7, 2004. At the end of this suspension period, Mr. Spinney's Initial Teaching License will be reinstated upon:

1. Submission of a complete application and fees pursuant to OAR 584-050-0015(3); and

2. Submission of documentation that he has undergone an evaluation by a psychotherapist or medical professional acceptable to the Commission, and the evaluator submits a written report to the Commission attesting (a) Mr. Spinney is fit to work with children and teenagers, and (b) there is a high probability he will not use school district equipment to access sexually explicit materials or engage in similar inappropriate behavior. Any costs associated with the assessment or treatment will be the responsibility of Mr. Spinney.

Upon the reinstatement of licensure, Mr. Spinney shall be placed on probation by the Commission for a period of two (2) years, subject to the following conditions:

1. Mr. Spinney shall substantially comply with any treatment or counseling as recommended by the individual who completed the evaluation described above.

Mr. Spinney shall authorize and sign any consent forms as necessary for the treatment provider or counselor to furnish records to or discuss Mr. Spinney's treatment with the Commission.

2. Mr. Spinney shall comply with all Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules, Chapter 584, Division 020.

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1 3. Mr. Spinney shall provide information as requested by the Commission to
2 verify that he has complied with the conditions of probation, including a statement from
3 a future employing district that he has complied with the Standards for Competent and
4 Ethical Performance of Oregon Educators.

5 Violation of the terms of this probation may constitute an independent basis for
6 the Commission to impose discipline, up to and including revocation of Mr. Spinney's
7 teaching license subject to Mr. Spinney's right to a hearing on the issue of whether he
8 violated probation.

9 IT IS SO ORDERED this 7th day of May, 2004.

10 TEACHER STANDARDS AND PRACTICES COMMISSION

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12 By: Victoria Chamberlain
Victoria Chamberlain, Executive Director

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