## 2 OF THE STATE OF OREGON In the Matter of the 3 Teaching License of STIPULATED ORDER OF SUSPENSION BARRY KIM SEARS 5 6 On November 23, 2005, the Teacher Standards and Practices Commission (Commission) 7 issued a Notice of Denial of Teaching License and Opportunity for Hearing to Barry Sears. Mr. 8 Sears filed a timely request for hearing on December 22, 2005 to contest the allegations in the 9 notice. 10 Mr. Sears and the Commission have reviewed this matter and have concluded that their 11 respective interests and the public interest would be served by entry of a stipulation to certain 12 facts, renewing Mr. Sears' license but imposing a 90 day suspension to be served immediately, 13 and imposing a probationary period of four years. By entering into this stipulation, Mr. Sears 14 understands that this agreement is subject to ratification by the Commission. Mr. Sears also 15 understands that by entering into this agreement, he waives the right to a hearing and judicial 16 review from that hearing. In the event that the Commission does not ratify this agreement, . 17 however, Mr. Sears' waiver of his right to a hearing will be deemed to be withdrawn.

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

FINDINGS OF FACT

Based on the foregoing, Mr. Sears and the Commission stipulate as follows:

. Mr. Sears holds an Initial I Teaching License with a high school authorization and

endorsements in Biology and Physics from the Commission. Mr. Sears' Initial I

Teaching License became effective on January 29, 2002.

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) 1	2.	On or about March 1, 2005, four weeks after his ficense had expired, Mr. Sears applied t
2		the Commission for renewal of his Initial Teaching license.
3	3.	From January 2, 2004, to June 1, 2004, Mr. Sears taught health services for the North
4		Central Education Service District (NCESD). Throughout the time that Mr. Sears taught
5		health services at NCESD, he did not possess a Professional Technical Teaching License
6	4.	A Professional Technical Teaching License is required by Commission rules to teach the
7		health services courses that Mr. Sears taught for NCESD from January 2, 2004 to June 1
8	•	2004.
9		
10		Jany K Sean 04-76-06
11	Barry	K. Sears Date
12	Ulc	Mid hambeclain 4-28-06
13		e Chamberlain Date tive Director, TSPC
14		CONCLUSION OF LAW
15		By serving NCESD without the proper license under OAR 584-050-0030(2), Mr. Sears
16	committed a substantial deviation from professional standards of ethics under OAR 584-020-	
17	0040(4	1)(o) as it incorporates OAR 584-020-0035(2)(a), constituting gross neglect of duty.
18	DISCUSSION AND ORDER	
19		Mr. Sear's failure to obtain a Professional Technical License prior to beginning to serve
20	the NCESD is sufficient basis to impose a 90-day suspension, to be followed by a probationary	
21	term of four years.	
22		Based on the foregoing, it is hereby ordered as follows:
23	1.	Mr. Sears' application for renewal of his license is hereby granted.
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Mr. Sears' license is suspended for 90 days, beginning on the date this Order is signed by 2 the Executive Director. 3. Mr. Sears is hereby placed on probation for a period of four (4) years. During 3 probationary term, Mr. Sears shall comply with all of the Commission's statutes and rules 4 regarding competent and ethical performance. Violation of a term or condition of probation may 5 constitute an independent basis for the Commission to impose permitted disciplinary sanctions, 6 7 subject to Mr. Sears' contested case hearing rights. It is so Ordered this /5 day of 8 2006. 9 10 rie Chamberlain Date Executive Director, TSPC 11 12 Approved as to form: 13 14 Ralph Wiser 15 Attorney for Mr. Sears 16 17 18 19 20 21 22 23

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