BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 1 OF THE STATE OF OREGON 2 3 STIPULATION OF FACTS, In the Matter of the) SURRENDER AND REVOCATION 4 **Educator License of**) 5 DAVID PAUL PROM On or about December 24, 2012, the Teacher Standards and Practices Commission 6 (Commission) received a report from Bob Stewart, Superintendent, Gladstone School District, 7 8 indicating that licensed educator, David Prom (Prom), had committed acts of unprofessional conduct. Specifically, Prom had failed to maintain professional boundaries with students and 9 engaged in inappropriate physical contact with a student during the 2012-13 school year. On 10 November 2, 2012, Prom was subject to a prior complaint to the Commission. This 2011-2012 11 complaint alleged similar, but lesser boundary issues. The Commission took no further action. 12 After review of the matters alleged, Prom and the Commission agree that their respective 13 interests, together with the public interest, are best served by a stipulation to certain facts, 14 surrender and revocation of Prom's Oregon educator license. 15 This document sets forth the facts upon which the parties have agreed and the stipulated 16 sanction to be imposed. Prom stipulates that there is sufficient evidence in the Commission's 17 files and records to support the findings of fact, conclusions of law, and order set forth below. 18 By signing below, Prom acknowledges, understands, stipulates, and agrees to the 19 following: (i) he has been fully advised of his rights to notice and a hearing to contest the 20 21 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final 22 Order of Surrender and Revocation of Licensure (Stipulation and Final Order); (ii) this 23 Stipulation and Final Order is a public document and disclosed to the public upon request by the 24 Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval 25 and adoption by the Commission. If the Commission does not approve and adopt this 26 Stipulation and Final Order, then neither Prom nor the Commission are bound by the terms 27 herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) 28

1	he voluntarily, without any force or duress, enters into this Stipulation and Final Order and
2	consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no
3	promises or representation has been made to induce him to sign this Stipulation and Final
4	Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order
5	and has been fully advised with regard to his rights thereto, or waives any and all rights to
6	consult with an attorney prior to entering into this Stipulation and Final Order and issuance and
7	entry of the Stipulated Final Order below. In entering into this stipulation, Prom waives the
8	right to a hearing to contest the findings of fact, conclusions of law and order set forth below.
9	STIPULATION OF FACTS
10	1. The Commission has licensed Prom since August 21, 1986. Prom currently holds a
11	Standard Teaching License with an endorsement in Standard General Business, issued
12	October 19, 2008, and expires on October 18, 2013.
13	2. On December 24, 2012, the Commission received information from the Gladstone School
14	District indicating Prom had committed acts of unprofessional conduct.
15	3. Investigations by TSPC, the school district, and local law enforcement identified the
16	following unprofessional conduct on the part of Prom:
17	a. Prom engaged in physical contact objected to by two different students: in
18	November of 2011 while in the presence of several students, he touched TI's back and
19	she claimed that his hand made contact with her buttocks. The District investigated
20	the issue and in December 3, 2011 letter found that while Prom placed his hand
21	around the student's waist and made brief contact with her buttocks there appeared
22	to be no intent to place his hands on the students buttocks or that there was sexual
23	intent in his actions. In October of 2012, Prom touched ND on the leg and the back
24	of the neck in the presence of two other students.
25	b. During the course of the complaint investigation, female students told investigators
26	that during the 2011-12 and 2012-13 school years, Prom had made them feel

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uncomfortable by being overly familiar and playing favorites with certain students,

1		being touchy, giving students' pet names, and watching their butts as they walked
2		away.
3	4.	Prom was charged by local authorities with Harassment ORS 166.065(4), a class A
4		misdemeanor, as it related to the "offensive physical contact by touching the sexual or
5		intimate parts of her body" between Prom and student ND. Prom was also charged with
6		Sex Abuse in the Third Degree ORS 163.415, a class A misdemeanor, as it related to
7		Prom's inappropriate touching of student ND. On May 28, 2013, in a deferred sentencing
8		agreement, the City dismissed the charge of Sexual Abuse III in exchange for Prom's plea
9		of guilty to one count of Harassment ORS 166.065(3), without the sexual or intimate
10		parts element, a class B Misdemeanor. No conviction was entered and his sentencing
11		was deferred. On May 28, 2014, Mr. Prom will be eligible to seek dismissal of the
12		deferred charge.
13	5.	Prom, as part of his sentencing agreement, agreed to resign his employment with the
14		Gladstone School District and surrender his educator's license with TSPC.
15	IT IS	SO STIPULATED:
16 17	David	From Date
18	Sil	Min (namberlain 7-17-13
19 20		ria Chamberlain, Executive Director Date er Standards and Practices Commission
21	20002	
22		CONCLUSION OF LAW
23		David Prom engaged in unprofessional conduct as described in section three (3) above.
24	This c	conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-
25	0040	(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment); OAR 584-
26	020-0	0040(4)(0) as it incorporates OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult
27	bound	daries with students in conduct and conversation at all times); and OAR 584-020-
28	040(4	4)(f) (Any sexual conduct with a student).

1	David From engaged in unprofessional conduct as described in section four (4) above.
2	This conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-
3	0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment). This conduct
4	also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c)
5	(Conviction of violating any federal, state, or local law. A conviction includes any final
6	judgment of conviction by a court whether as the result of guilty plea, no contest plea or any
7	other means), specifically ORS 166.065(4)(a) (Harassment). Prom's conduct that resulted in the
8	criminal conviction also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-
9	020-0040(5)(e) (Admission of or engaging in acts constituting criminal conduct, even in the
10	absence of a conviction), specifically ORS 166.065(4)(a)(Harassment).
11	The Commission's authority to impose discipline in this matter is based upon ORS
12	342.175.
13	ORDER
14	The Commission adopts the above Stipulation of Facts, accepts the licensure surrender
15	and permanently revokes the educator License of David Prom.
16	IT IS SO ORDERED this day of July, 2013.
17	TEACHER STANDARDS AND PRACTICES COMMISSION
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19	By: <u>Manberlain</u> Victoria Chamberlain Executive Director
20	victoria Chambelland, Executive Difector