

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

3 In the Matter of the )  
4 Administrative License of )  
5 RANDY HAROLD SCHILD )  
6 ) STIPULATION OF FACTS,  
ORDER OF SUSPENSION  
AND PROBATION

7 On or about March 21, 2001, the Teacher Standards and Practices Commission  
8 (Commission) received a report from Lavonne Bush, Superintendent, Neah-Kah-Nie  
9 School District indicating that Randy Schild, a licensed administrator and building  
10 principal, participated in receiving and sending emails over the district email system  
11 which were inappropriate and potentially hurtful to other staff members.

12 Mr. Schild fully cooperated with the Commission's investigation and did not  
13 contest the allegations. After review of the matters alleged, Mr. Schild and the  
14 Commission agree that their respective interests, together with the public interest, are  
15 best served by a stipulation to certain facts, a thirty (30) day suspension of his  
16 Administrative License and a one (1) year period of probation. Mr. Schild understands  
17 that the probation will be subject to specific conditions. This Order sets forth the facts  
18 upon which the parties have agreed and the sanction to be imposed. In entering into  
19 this stipulation, Mr. Schild waives the right to a hearing to contest the finding of fact,  
20 conclusion of law and order set forth below.

21 **STIPULATION OF FACTS**

22 1. Mr. Schild holds a Standard Teaching License valid June 22, 1999 through  
23 June 1, 2002, with Standard General Business Education; Office Systems; and Account  
24 and Financial Systems Endorsement. Mr. Schild holds a Basic Administrative License

1 valid May 29, 1996 through June 1, 2001. The Commission has continually licensed  
2 Mr. Schild since July 1, 1974. There are no prior complaints on file.

3 2. The Commission's disciplinary action impacts Mr. Schild's Basic  
4 Administrative License. The Commission takes no action against his Standard  
5 Teaching License in this matter.

6 3. Mr. Schild is employed by Neah-Kah-Nie School District as Principal of Neah-  
7 Kah-Nie Jr/Senior High School. He began his employment with the District in 1998.

8 4. Beginning in 1999, District-owned computers with email access were present  
9 in all Neah-Kah-Nie Jr/Senior High School classrooms for educator use in connection with  
10 assigned responsibilities.

11 5. The District has a clearly defined, acceptable use policy that has been in force  
12 since January 8, 1996. The District's acceptable use agreement declares that  
13 information in email messages is not private to the individual sending or receiving the  
14 correspondence; that the District is a public entity and all correspondence is done on  
15 public property and on public equipment; and that all correspondence should meet the  
16 standards of the District and the School Board

17 6. Mr. Schild used his classroom computer to send and receive inappropriate  
18 email messages to other staff members in the building using the District's email service.  
19 A student intercepted and read an inappropriate email as a result of his activities.

20 7. Mr. Schild admits that he should not have used the District computer for  
21 sending or receiving inappropriate email messages and has expressed remorse for  
22 doing so.

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1 8. Mr. Schild has never denied his actions with the School District or TSPC. He  
2 has accepted responsibility and acknowledges his mistake. The District has disciplined  
3 Mr. Shield for his inappropriate use of District email.

4 **ULTIMATE FINDING OF FACT**

5 Randy Schild used the computer equipment owned by his employer, Neah-Kah-  
6 Nie School District, located on school premises, to send and receive inappropriate email  
7 messages. Mr. Schild was fully aware that sending and receiving inappropriate email  
8 messages using District owned computer equipment was inappropriate and in violation  
9 of District policy.

10 **CONCLUSION OF LAW**

11 Randy Schild's activities constitute gross neglect of duty in violation of OAR 584-  
12 020-0040(4)(a) and OAR 584-020-0010(5).

13 This stipulation is contingent upon approval and adoption of the Order by the  
14 Commission. If the Commission does not adopt this Order, neither Mr. Schild nor the  
15 Commission are bound by these Stipulations and Mr. Schild retains all rights to a  
16 hearing on the allegations.

17 IT IS SO STIPULATED:

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19 \_\_\_\_\_  
20 Randy Harold Schild

\_\_\_\_\_ Date 6/14/01

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22 \_\_\_\_\_  
23 David V. Myton Executive Director  
24 Teacher Standards and Practices Commission

\_\_\_\_\_ Date 7/11/01

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**ORDER**

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The Oregon Basic Administrative License, certificate number 915869 issued to Randy Harold Schild is suspended for a period of thirty (30) days beginning on July 1, 2001. At the end of the suspension period of thirty (30) days, Mr. Schild's Basic Administrative License will be reinstated upon complete application for reinstatement. Furthermore, the Commission imposes a one (1) year probation upon Mr. Schild subject to the condition that he comply with all Standards for Competent and Ethical Performance under Chapter OAR 584, Division 020.

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

Dated this 11<sup>th</sup> day of July 2001

TEACHER STANDARDS AND PRACTICES COMMISSION

By: 

David V. Myton, Executive Director

APPROVED AS TO FORM

  
James M. Brown OSB# 67012

Attorney for Randy Harold Schild