BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 1 2 OF THE STATE OF OREGON 3 STIPULATION OF FACTS, in the Matter of the FINAL ORDER OF REPRIMAND 4 Teaching License of 5 AND PROBATION ADAM J. DAVIS On or about February 12, 2007, the Teacher Standards and Practices Commission 6 (Commission) received a report from the Superintendent of the Reynolds School District indicating 7 8 that Adam J. Davis (Davis) used unreasonable physical force on a female student. Mr. Davis fully cooperated with the Commission's investigation. After review of the matters 9 alleged, Mr. Davis and the Commission agree that their respective interests, together with the public 10 interest, are best served by a stipulation to certain facts, the imposition of a Public Reprimand and a 11 12 two (2) year probation. This document sets forth the facts upon which the parties have agreed and the stipulated 13 sanction to be imposed. Mr. Davis stipulates that there is sufficient evidence in the Commission's files 14 and records to support the findings of fact, conclusions of law, and order set forth below. 15 By signing below, Mr. Davis acknowledges, understands, stipulates, and agrees to the 16 following: (i) he has been fully advised of his rights to notice and a hearing to contest the findings of 17 fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any 18 rights to appeal or otherwise challenge this Stipulation of Facts, Final Order of Reprimand and 19 Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and 20 disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is 21 contingent upon and subject to approval and adoption by the Commission. If the Commission does 22 not approve and adopt this Stipulation and Final Order, then neither Mr. Davis nor the Commission 23 are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands 24 it completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final 25 Order and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no 26

promises or representation has been made to induce him to sign this Stipulation and Final Order; and

(vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully

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advised with regard to his rights thereto, or waives any and all rights to consult with an attorney prior 1 2 to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order 3 below. 4 STIPULATION OF FACTS 5 1. The Commission has licensed Adam Davis since September 13, 2004. Mr. Davis currently 6 holds an Initial Teaching License with multiple subjects and multiple subjects self contained 7 endorsements and with elementary and middle level authorizations valid through April 6, 2008. He 8 also holds a Conditional Permit valid December 6, 2006, through December 5, 2009, for a Physical 9 Education Endorsement valid for the Middle and High School authorization levels. 10 2. In 2004 the Commission disciplined Mr. Davis for serving without proper licensure between 11 2001 and 2003 in the Reynolds School District. 3. On or about February 6, 2007, Davis playfully pinched a student's nose playfully leaving a 12 bruise. Mr. Davis admits to "flicking" the same student on the head with his fingers the previous day. 13 4. Mr. Davis was placed on administrative leave following this incident. Although police 14 15 investigated no criminal prosecution resulted from this incident. 16 IT IS SO STIPULATED: $\frac{U1 - 16 - 2008}{Date}$ $\frac{02 - 11 - 08}{2}$ 17 18 Adam J. Davis 19 ictoria Chamberlah, Executive Director 20 Teacher Standards and Practices Commission 21 22 **CONCLUSIONS OF LAW** 23 Adam J. Davis used unreasonable physical force against a female students when he pinched her nose leaving a bruise. This misconduct constitutes Gross Neglect of Duty in violation of OAR 24 25 584-020-0040(4)(d). Unreasonable physical force against students, fellow employees, or visitors to 26 the school, except as permitted under ORS 339.250. The Commission has authority to impose 27 discipline in this matter under ORS 342.120 through 342.430 and OAR Chapter 584. 28 111

1	ORDER
2	The Commission hereby adopts and incorporates herein the above findings of fact and
3	imposes a Public Reprimand on Adam J. Davis. This Stipulation of Facts, Order and Probation
4	constitute the Reprimand.
5	Furthermore, the Commission places Mr. Davis on Probation for a period of two (2) years from
6	the date of this order subject to the following terms and conditions of probation:
7	1. During the period of his probation, Mr. Davis shall submit to the Commission
8	documentation that he has undergone training, approved in advance by the Commission, which
9	addresses interaction with students, specifically appropriate physical contact with students.
10	2. Mr. Davis shall provide reports every six (6) months during his probation, on or before
11	August 7, 2008; February 7, 2009; August 7, 2009; and February 7, 2010;
12	2. Mr. Davis shall comply with the Standards for Competent and Ethical Performance of
13	Oregon Educators under Oregon Administrative Rules, Chapter 584, Division 020.
14	Violation of any term or condition of probation shall constitute an independent basis for the
15	Commission to revoke Mr. Davis' licensure or otherwise impose discipline, after first providing Mr.
16	Davis with notice and opportunity for hearing.
17	Issued and dated this day of February, 2008.
18 19	TEACHER STANDARDS AND PRACTICES COMMISSION STATE OF OREGON
20 21 22	By Manualau Victoria Chambertain, Executive Director
23	Approved as to form:
24 25 26	Aruna A. Masiri, OSB# 973241 Attorney for Adam J. Davis Account # 43203