

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

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OF THE STATE OF OREGON

In the Matter of the) STIPULATION OF FACTS,
Teaching License of) ORDER OF SUSPENSION
JAMES LEE HULSLANDER) AND PROBATION

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On or about January 22, 2003, the Teacher Standards and Practices Commission (Commission) received a complete application for a Substitute License from James Lee Hulslander (Hulslander). Mr. Hulslander responded affirmatively a character question regarding a criminal conviction for Driving Under the Influence of Intoxicants (DUII) on May 1, 2000, in Coos County.

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Mr. Hulslander fully cooperated with the Commission's investigation. After review of the matters alleged, Mr. Hulslander and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, a ninety (90) day suspension of his right to apply for a teaching license and a four (4) year probation upon reinstatement.

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This Order sets forth the facts upon which the parties have agreed and the sanction to be imposed. Mr. Hulslander stipulates that there are sufficient facts contained in the Commission's files and records to support the findings of fact and conclusions of law set forth below. In entering into this stipulation, Mr. Hulslander waives the right to a hearing to contest the finding of fact, conclusion of law and order set forth below.

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

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STIPULATION OF FACTS

1. On September 28, 1999, the Commission issued a Transitional Teacher License to James Hulslander. That license expired on September 28, 2002. On January 22, 2003, Mr. Hulslander submitted a complete application for a Substitute Teaching License.

2. Mr. Hulslander has been employed by the Coos Bay School District as a Substitute Teacher and a coach.

3. On May 20, 1990, Mr. Hulslander was arrested for DUII in Coos Bay, Oregon. Mr. Hulslander was granted Diversion in the District Court of the State of Oregon for Coos County. He completed Diversion on June 11, 1991.

4. On August 19, 1992, Mr. Hulslander was convicted of DUII in the District Court of the State of Oregon for Curry County. He completed a court ordered alcohol abuse rehabilitation program in 1992 at Curry County Annex.

5. On September 10, 1999, Mr. Hulslander submitted an Application for Educator License Form C-1. Mr. Hulslander failed to disclose the August 19, 1992, conviction for DUII.

6. On May 1, 2000, Mr. Hulslander was convicted of DUII in the Circuit Court of the State of Oregon for Coos County. Mr. Hulslander completed a court ordered alcohol abuse rehabilitation program on October 26, 2000, at Better Options Outpatient Addiction Treatment.

IT IS SO STIPULATED:

James J. Hulslander
James Lee Hulslander

Feb 3, 2003
Date

Victoria Chamberlain
Victoria Chamberlain, Executive Director
Teacher Standards and Practices Commission

1-30-03
Date

CONCLUSIONS OF LAW

On September 10, 1999, James Lee Hulslander failed to respond affirmatively to character question number 8 regarding a misdemeanor conviction for DUII in a violation of OAR 584-020-0040(4)(c). This behavior constitutes Gross Neglect of Duty. Mr. Hulslander's

1 diversion and criminal convictions for Driving Under the Influence of Intoxicants constitute Gross
2 Unfitness as defined in OAR 584-020-0040(5)(c) and OAR 584-020-0040(5)(e). Criminal
3 convictions and criminal conduct, even in the absence of conviction, may be used as evidence
4 to establish an applicant's lack of fitness to serve as an educator pursuant to ORS 342.143. The
5 Commission's authority to impose discipline in this matter is based upon ORS 342.175.

6 **ORDER**

7 The Commission adopts the above findings of facts and suspends Mr. Hulslander's right
8 to apply for licensure for a period of ninety (90) days effective February 1, 2003. Upon
9 reinstatement of any teaching license as provided by OAR 584-050-0015(3), Mr. Hulslander
10 shall be placed on probation for a period of four (4) years to commence the date of issuance
11 subject to the following conditions:

- 12 1. Mr. Hulslander shall conduct himself as a law abiding citizen;
- 13 2. Mr. Hulslander shall report in writing within ten days, to the Executive Director of the
14 Commission, any arrest (or citation) for any felony, misdemeanor or major traffic violation;
- 15 3. Mr. Hulslander shall, at his own initiative and expense, continue to obtain treatment
16 for his alcohol dependency as recommended by his alcohol treatment provider and abstain from
17 the consumption of alcohol;
- 18 4. Mr. Hulslander shall provide the Executive Director with a copy of the treatment plan;
- 19 5. During the period of his probation, Mr. Hulslander shall comply with the terms of the
20 treatment plan;
- 21 6. During the period of his probation, Mr. Hulslander shall submit to the
22 Executive Director of the Commission reports of his compliance with the treatment plan. Mr.
23 Hulslander shall provide these reports every six (6) months for the balance of his probation; and
- 24 7. Mr. Hulslander shall comply with all Standards for Competent and Ethical
25 Performance under Oregon Administrative Rules Chapter 584, Division 020.

1 If Mr. Hulslander does not comply with his treatment plan based on the reports of his
2 treatment provider or as otherwise determined by the Executive Director he shall be in violation
3 of the terms of this probation. Violation of the terms of this probation may constitute an
4 independent basis for the Commission to impose discipline, up to and including revocation of
5 Mr. Hulslander's teaching license subject to Mr. Hulslander's right to a hearing on the issue of
6 whether he violated probation.

7 IT IS SO ORDERED this 7th day of March, 2003.

8 TEACHER STANDARDS AND PRACTICES COMMISSION

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10 By *Victoria Chamberlain*
11 Victoria Chamberlain, Executive Director

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