1	BEFORE THE TEACHER STANDARDS AND PRECTICES COMMISSION	
2	OF THE STATE OF OREGON	
3	In the Matter of the Teaching License of STIPULATION AND ORDER OF	
4	RANDALL WILLIAM HURT SUSPENSION	
5		
6	On July 15, 1998, the Teacher Standards and Practices Commission (Commission) is	suec
7	a Notice of Opportunity for Hearing to Randall W. Hurt. Mr. Hurt requested a hearing to con	ntes
8	the allegations in the notice, and a hearing was scheduled for December 1, 1998. After a rev	iew
9	of the matters alleged, the parties have agreed that their respective interests, together with the	;
10	public interest, are best served by a stipulation to certain facts, an order of suspension and	
11	imposition of a period of probation. This agreement sets forth the facts upon which the partie	es
12	have agreed, the sanction to be imposed and the Commission's order.	
13	STIPULATED FACTS	
14	Randall W. Hurt and the Commission stipulate to the following:	
15	1. Mr. Hurt holds a standard teaching license with a subject matter endorsement	in
16	advanced mathematics.	
17	2. Mr. Hurt has been employed as a mathematics teacher with the Gresham-Barl	ow
18	High School District for approximately 20 years.	
19	3. In February 1998, the school district conducted an investigation based on repo	rts
20	of inappropriate use of school district computers at Sam Barlow High School. The investigate	tion
21	revealed that Mr. Hurt had used school district computers to access sexually explicit material	s on
22	the Internet. Mr. Hurt used a computer assigned to him and computers assigned to six other	
23	educators, without permission, to access sexually explicit images on the Internet. Use of dist	rict
_		

1 computer's for this purpose occurred between January 1997 and February 1998. These activities 2 involved accessing hundreds of pornographic sites. 3 4. When confronted by the school district, Mr. Hurt admitted that he had used school 4 district computers for this purpose and without authorization. 5 5. There is no evidence that Mr. Hurt engaged in this activity during regular school 6 hours, and there is no evidence that students were exposed to any of the pornographic materials 7 or were aware of Mr. Hurt's activities. 8 6. On February 24, 1998, the school district issued to Mr. Hurt a Letter of 9 Reprimand and a Last Chance Agreement. The district required Mr. Hurt to lose his Internet 10 privileges for an indeterminate period, prohibited him from supervising Saturday school or from 11 having access to school premises outside the regular work days without gaining specific 12 administrative approval, and required Mr. Hurt to undergo a psychological assessment and to 13 engage in a program of counseling. The Last Chance Agreement states that repeating this 14 behavior would serve as sufficient cause for immediate dismissal. 15 7. Mr. Hurt was examined by Stephen S. Scherr, Ph.D., a licensed clinical psychologist. Dr. Scherr administered psychological testing and engaged in interviews with 16 17 Mr. Hurt. Dr. Scherr issued a written report dated April 6, 1998. In that report, Dr. Scherr 18 concluded that Mr. Hurt suffered from depression. He recommended ongoing psychotherapy 19 and concluded that Mr. Hurt had a good prognosis for dealing with his depression and problems 20 /// 21 /// 22 /// /// 23

Salem, OR 97310 (503) 378-6003

1	in his marriage. Dr. Scherr expressed the opinion that Mr. Hurt has not been and will not be a
2	danger to students or staff at his school. Dr. Scherr observed that Mr. Hurt was extremely
3	embarrassed and remorseful.
4 5 6	Randall William Hurt 11/18/98 Date
7 8 9	David V. Myton, Executive Director Teacher Standards and Practices Commission 11/24/97 Date
10	ULTIMATE FINDINGS OF FACT
11	Randall W. Hurt accessed sexually explicit materials on school district computers without
12	authority and in violation of school district policies.
13	CONCLUSION OF LAW
14	The above conduct constitutes gross neglect of duty in violation of OAR 584-020-
15	0040(4)(b).
16	DISCUSSION
17	The Commission considers Mr. Hurt's actions to be a serious violation of Commission
18	standards. Based on this, the Commission will impose a period of suspension. The length of the
19	suspension in this case is relatively short based on the following mitigating circumstances:
20	Mr. Hurt has an unblemished teaching record of 20 years; the district elected not to dismiss
21	Mr. Hurt and he is apparently a valued employee; an extended period of suspension could work a
22	hardship to the district and to Mr. Hurt's students; Dr. Scherr believes that Mr. Hurt is unlikely to
23	repeat this conduct, does not have a sexual abnormality and is likely to be responsive to

counseling; Mr. Hurt has expressed what appears to be genuine remorse; no students were 2 exposed to any pornographic materials. Based on these considerations, the Commission imposes 3 a relatively short-term suspension and a period of probation. 4 ORDER 5 The teaching license of Randall W. Hurt will be suspended for a period of 15 days from 6 December 19, 1998 through January 2, 1999. Upon reinstatement, Mr. Hurt shall be placed on 7 probation to the Commission for a period of two years. Conditions of probation shall be as 8 follows: 9 1. Mr. Hurt shall comply with all standards of competent and ethical performance 10 under OAR 584, Division 20. 11 2. Mr. Hurt shall at his own expense continue with psychotherapy and/or counseling 12 for such period of time as his therapist recommends. Mr. Hurt shall comply with all directives 13 and recommendations of his therapist. 14 3. Mr. Hurt shall supply the Executive Director of the Commission with the name 15 and address of his treating therapist. Mr. Hurt shall consent that the Executive Director or his 16 designee may contact Mr. Hurt's treating therapist to determine whether Mr. Hurt is cooperating 17 and complying with recommendations of the therapist. Mr. Hurt shall sign a consent for release 18 of information, permitting the Commission to receive records of the therapist and to discuss 19 Mr. Hurt's treatment with the therapist. 20 4. Mr. Hurt shall comply with all requirements of the Last Chance Agreement with

Page 4 - STIPULATION AND ORDER OF SUSPENSION

the Gresham-Barlow School District.

21

22

23

111

111

JGM:tjh\GEN03314

Department of Justice 1162 Court Street NE Salem, OR 97310 (503) 378-6003

1	5. Upon completion of therapy or at the end of the probationary period Mr. Hurt
2	shall at his own expense obtain from his therapist a written report to the Commission describing
3	Mr. Hurt's therapy, and indicting whether Mr. Hurt is likely to present any threat to students or
4	to engage in unprofessional conduct and further indicating whether continued therapy is
5	recommended.
6	6. Mr. Hurt shall provide information to the Commission as requested to verify that
7	he has complied with conditions of probation, including a written statement of satisfactory
8	performance by Mr. Hurt's employing school district.
9	Failure to comply with any condition of probation shall be a basis in itself for discipline,
10	up to and including revocation of Mr. Hurt's teaching license and subject to Mr. Hurt's right to a
11	hearing on the issue of whether he violated his probation.
12	DATED this Lydday of November 1998.
13	
14	Daniel Much
15	David V. Myton, Executive Director Oregon Teacher Standards and Practices Commission
16	APPROVED TO AS FORM:
17	
18	Sean Lyth/ Date U/18/98
19	Attorney for Randall W. Hurt
20	
21	Joe Gordon McKeever Date
22	Attorney for TSPC
23	

Page 5 - STIPULATION AND ORDER OF SUSPENSION JGM:tjh\GEN03314 Department of Justice

Department of Justice 1162 Court Street NE Salem, OR 97310 (503) 378-6003