

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2

OF THE STATE OF OREGON

3	In the Matter of the)	STIPULATION OF FACTS
4	Teaching License of)	AND
5	RICHARD JIM BUCHANAN)	ORDER OF PROBATION
6			

7 On September 5, 2003, Richard Jim Buchanan (Buchanan) submitted an application for a
 8 Substitute Teaching License to the Teacher Standards and Practices Commission (Commission).
 9 Mr. Buchanan responded affirmatively to character questions 8, and 10. Mr. Buchanan provided an
 10 explanation regarding his criminal conviction for Driving Under the Influence in Idaho.

11 After review of the facts in this matter, Mr. Buchanan and the Executive Director agree that
 12 their respective interests, together with the public interests, are best served by a stipulation to certain
 13 facts and a three (3) year probation upon issuance of a teaching license.

14 This Order sets forth the facts upon which the parties have agreed and the sanction to be
 15 imposed. Mr. Buchanan stipulates that there are sufficient facts contained in the Commission's files
 16 and records to support the findings of fact and conclusions of law set forth below. In entering into this
 17 stipulation, Mr. Buchanan waives the right to a hearing to contest the findings of fact, conclusions of
 18 law and order set forth below. Mr. Buchanan enters into this agreement with the knowledge that the
 19 Commission will impose a three (3) year probation with specific conditions.

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

STIPULATION OF FACTS

- 24 1. On September 5, 2003, Mr. Buchanan submitted an Application For Educator License Form
- 25 C-1 to the Commission. He responded affirmatively to character questions 8, and 10.
- 26 2. Mr. Buchanan is employed as a substitute teacher for Portland Public Schools.

1 3. On December 26, 1995, Mr. Buchanan was arrested for Driving Under the Influence of
2 Intoxicants (DUII) in Clackamas County, Oregon. The Court granted Mr. Buchanan a Diversion for
3 DUII. On January 31, 1997, ~~1991~~, Mr. Buchanan completed Diversion and the DUII charge was
4 dismissed in the District Court for the State of Oregon, County of Clackamas. Mr. Buchanan reported
5 this matter to the Commission on an application for licensure dated June 8, 2000.

6 4. On September 23, 2002, Mr. Buchanan was convicted for Driving Under Influence in the
7 District Court of the Third Judicial District of the State of Idaho, in and for the County of Adams. On
8 February 12, 2003, Mr. Buchanan completed an Outpatient Treatment program with Care Mark
9 Behavioral Health Services.

10 5. Mr. Buchanan recognizes that he has an alcohol dependency problem.

11 IT IS SO STIPULATED:

12 Richard Jim Buchanan 11-5-03
13 Richard Jim Buchanan Date

14 Victoria Chamberlain 11-05-03
15 Victoria Chamberlain, Executive Director Date
16

17 **CONCLUSION OF LAW**

18 Mr. Buchanan's alcohol related criminal conviction and criminal conduct constitute Gross
19 Unfitness as defined in OAR 584-020-0040(5)(c) and OAR 584-020-0040(5)(e). Criminal convictions
20 and criminal conduct, even in the absence of conviction, may be used as evidence to establish an
21 applicant's lack of fitness to serve as an educator pursuant to OAR 584-050-0006 and Gross
22 Unfitness as defined in OAR 584-020-0040(5). The Commission's authority to impose discipline in
23 this matter is based upon ORS 342.175.

24 ///
25 ///
26 ///

ORDER

2 The Commission hereby adopts the above Stipulation of Facts and authorizes the issuance of
3 a Substitute Teaching License to Mr. Buchanan subject to all standard terms and conditions.

4 Furthermore, the Commission imposes a three (3) year probation upon Mr. Buchanan to
5 commence the date of issuance of said license subject to the following special terms and conditions of
6 probation:

7 1. Mr. Buchanan shall, at his own initiative and expense, continue to obtain treatment
8 for his alcohol dependency as recommended by his alcohol treatment provider and abstain from the
9 consumption of alcohol.

10 2. During the period of his probation, Mr. Buchanan shall submit to the Executive Director of
11 the Commission reports of his compliance with the treatment plan. Mr. Buchanan shall provide these
12 reports every six (6) months during his probation, on or before: July 9, 2004; January 9, 2005; July 9,
13 2005; January 9, 2006; July 9, 2006; January 9, 2007; July 9, 2007; and January 9, 2008.

14 3. Mr. Buchanan shall report in writing within ten (10) days, to the Executive Director of the
15 Commission, any arrest (or citation) for any felony, misdemeanor, major traffic violation or violation of
16 criminal probation; and

17 4. Mr. Buchanan shall comply with all Standards for Competent and Ethical Performance
18 under Oregon Administrative Rules Chapter 584, Division 020.

19 Violation of any of the terms of probation shall constitute an independent basis for the
20 Commission to revoke Mr. Buchanan's teaching license or otherwise impose discipline, after first
21 providing Mr. Buchanan with notice and opportunity for hearing.

22 IT IS SO ORDERED this 15th day of January 2004.

23 TEACHER STANDARDS AND PRACTICES COMMISSION

24
25 By: *Victoria Chamberlain*
Victoria Chamberlain, Executive Director

[110503]