## BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 1 OF THE STATE OF OREGON 2 3 STIPULATION OF FACTS AND In the Matter of the FINAL ORDER OF REPRIMAND 4 5 6 ) Educator License of AND PROBATION

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35 36 TIMOTHY M O'DONNELL

On March 10, 2014, the Commission received a report from the Sweet home School District indicating that Timothy M O'Donnell (O'Donnell) may have violated professional standards and local policy when he was arrested for crimes related to a confrontation that took place at the Oregon Department of Forestry. On March 27, 2014, March 28, 2014, and May 31, 2014, the Commission received additional district reports and patron complaints regarding O'Donnell, in which all allege O'Donnell had violated professional standards and local policy for a variety of reasons described in more detail below.

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After review of the matters alleged, O'Donnell and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, the imposition of a public reprimand, and a period of probation.

By signing below, O'Donnell acknowledges, understands, stipulates, and agrees to the following: (i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Reprimand and Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither O'Donnell nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no promise 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 advised with regard to his rights thereto, or waives any and all rights to consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

## STIPULATION OF FACTS

- Timothy M O'Donnell has been licensed by the Commission since September 11, 1989.
   O'Donnell's Standard Teaching License, with endorsements in Basic Physical Education (018) and Standard Health Education (018), is valid from February 12, 2014, through February 21, 2019. During all relevant times, O'Donnell was employed by the Sweet Home School District.
- 2. Between March 10, 2014, and May 31, 2015, the Commission received information from both district patrons and the Sweet Home School District indicating O'Donnell may have committed acts which constitute gross neglect of duty. Commission and District investigations determined the following conduct:
  - a. On March 10, 2014, the Sweet Home School District reported that on March 5, 2014, O'Donnell had been criminally charged and arrested related to O'Donnell's conduct in a confrontation at the Oregon Department of Forestry. On April 4, 2014, O'Donnell plead guilty to one count of Disorderly Conduct (Class B Misdemeanor). On March 28, 2014, the Commission received a patron complaint against O'Donnell regarding the same incident. The patron complained that in addition to O'Donnell's conduct described above, O'Donnell's conduct had caused some employees to fear possible future violence.
  - b. On March 27, 2014, the Commission received a report from the school district indicating that O'Donnell had pushed a student into the school swimming pool. The involved student was claiming physical injury as a result and local police were investigating a possible charge of Harassment. Investigation determined that O'Donnell did deliberately push the student into the pool, but there was no evidence of any injuries. O'Donnell was issued a citation for Harassment for his conduct. On April 16, 2015, the criminal harassment charge was dismissed by the courts when O'Donnell completed a voluntary anger management class. The Sweet Home School District issued O'Donnell a letter of reprimand and a three day suspension without pay for his conduct.
  - c. On May 31, 2015, the Commission received a report from the Sweet Home School District for inappropriate touching of a student when attempting to redirect her behavior. Investigation determined that a female student complained to school officials that O'Donnell had physically grabbed the student's arm and pushed her shoulder when she had refused to comply with O'Donnell's request to stop

1	touching another student. O'Donnell denied the allegation, stating while he may
2	have touched the student, he did not push or grab the student. Based on this and
3	past related complaints and a prior directive to not touch students, school
4	officials recommended dismissal of O'Donnell. O'Donnell resigned in lieu of non-
5	renewal in the fall of 2015.
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7_	IP IS SO SKIPULATED:
8	1: worthy M Church / Dog 16
10 11	Timothy M O'Donnell  Date
12	Marian Rana Evecutive Director Date
13 14	Monica Beane, Executive Director Teacher Standards and Practices Commission  Date
15	CONCLUSION OF LAW
16	Timothy M O'Donnell's conduct described above constitutes gross neglect of duty
17	in violation ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-
18	020-0010(1) (Recognize the worth and dignity of all persons and respect for each
19	individual), OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-
20	0020(2)(d) (Skill in the supervision of students), OAR 584-020-0025(2)(e) (Using
21	district lawful and reasonable rules and regulations), OAR 584-020-0030(2)(b) (Skill
22	in communicating with administrators, students, staff, parents, and other patrons);
23	and OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(3)(a) (Maintain
24	the dignity of the profession by respecting and obeying the law, exemplifying personal
25	integrity and honesty).
26	The Commission's authority to impose discipline in this matter is based upon
27	ORS 342.175.
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2	ORDER
3	The Commission adopts and incorporates herein the above findings of fact and
4	conclusions of law, and based thereon, imposes a Public Reprimand on Timothy M
5	O'Donnell's Teaching License.
6	Furthermore, the Commission imposes a period of three (3) years of probation
7	upon O'Donnell to commence from the date this order is signed by the Commission and
8	subject to the following conditions:
9	1. O'Donnell shall comply with the Standards for Competent and Ethical
10	Performance of Oregon Educators under Oregon Administrative Rules Chapter
11	584, Division 020.
12	,
13	Issued and dated this 8th day of November, 2016.
14 15	TEACHER STANDARDS AND PRACTICES COMMISSION STATE OF OREGON
16 17 18	By Monica Beane, Executive Director

## **CERTIFICATE OF MAILING**

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Reprimand and Probation, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail — Return Receipt Requested, addressed to:

Timothy M. O'Donnell PO Box 1472 Newport, OR 97365

DATED this \_\_\_\_\_\_\_ day of November, 2016.

By:

Patty Sheldon

Investigative Assistant

Certificate of Mailing - Timothy M. O'Donnell