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BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
OF THE STATE OF OREGON

In the Matter of the ) STIPULATION OF FACTS AND  
Teaching License of ) FINAL ORDER OF REVOCATION  
SAMUEL SYLVESTER NELSON ) OF RIGHT TO APPLY FOR LICENSE

On or about January 12, 2009 the Teacher Standards and Practices Commission (Commission) received a report from Dennis Carter, then Superintendent for the Ontario School District, indicating that Samuel Sylvester Nelson (Nelson) may have violated professional standards.

After review of the matters alleged, Nelson 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 the revocation of the right to apply for a license for one year.

This document sets forth the facts upon which the parties have agreed and the stipulated sanction to be imposed. Nelson stipulates that there is sufficient evidence in the Commission’s files and records to support the findings of fact, conclusions of law, and order set forth below.

By signing below, Nelson 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 Revocation of Right to Apply (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 Nelson 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 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 advised with regard to his rights thereto, or waives any and all rights to consult with an attorney prior to

1 entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order  
2 below.

3 **STIPULATION OF FACTS**

- 4 1) Samuel Sylvester Nelson was initially licensed as a teacher in Oregon on January 31, 1977. Nelson  
5 held an Initial Administrator License, issued on December 16, 2006, that expired on April 22,  
6 2010. Nelson currently holds a Standard Teaching License, with endorsements in Standard  
7 Elementary and Standard Handicapped Learner, issued on April 23, 2006, that was scheduled to  
8 expire on April 22, 2011. Nelson's license expiration has been extended, pending the final outcome  
9 of the investigation. During all relevant times, Nelson was employed by the Ontario School  
10 District.
- 11 2) During the 2007—2008 and 2008—2009 school years Nelson brought to the Ontario  
12 School District's attention various matters, including the provision of special education  
13 services to students in the District, health and safety issues concerning the special  
14 education classroom, and failure to pay wages to special education teaching assistants who  
15 worked through their assigned break and lunch hours After having done so, the Ontario  
16 School District conducted observations of Nelson's special education classroom in  
17 response to issues that Nelson had raised concerning district processes. During this time  
18 it was observed that Nelson left confidential student information unsecured. Confidential  
19 student information was found on Nelson's desk, the classroom floor, and posted on a  
20 bulletin board in Nelson's classroom. Nelson was also observed discussing confidential  
21 student issues with students in front of their peers, such as medications, juvenile court  
22 issues, and special education needs. After these observations, Nelson filed administrative  
23 complaints with the Commission and BOLI regarding his concerns.
- 24 3) During the same classroom observation period, Nelson was observed to use inappropriate  
25 sarcasm regarding confidential student issues to gain compliance with Nelson's directions  
26 to students. This conduct violated Ontario school board policy JM (Staff-Student  
27 relations).
- 28 ///  
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1 4) On January 13, 2009, Nelson called former Commission investigator Cameron Lane out of  
2 frustration and left a voice message in which Nelson said, "...And I have numerous  
3 witnesses to do it and they are trying to pressure me so they can fire me and I am stick of  
4 this, I'm close to shooting somebody." This statement was reported to the Ontario School  
5 District. When confronted by school administrators and local police you stated, "When  
6 you push someone so far, this is what you get." The Ontario School District subsequently  
7 dismissed Nelson from employment. Nelson acknowledges now that these statements  
8 were inappropriate.

9

10 IT IS SO STIPULATED:

11 Samuel S. Nelson  
12 Samuel Sylvester Nelson

August 8 2012  
Date

13 Victoria Chamberlain  
14 Victoria Chamberlain, Executive Director  
15 Teacher Standards and Practices Commission

8-28-12  
Date

16 **CONCLUSIONS OF LAW**

17 The described conduct in paragraphs two and three above constitutes gross neglect of duty in  
18 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5)  
19 (*Use of professional judgment*), OAR 584-020-0010(1) (*Recognize the worth and dignity of all*  
20 *persons and respect for each individual*), OAR 584-020-0025(2)(c) (*Using and maintaining student*  
21 *records as required by federal and state law and district policies and procedures*), OAR 584-020-  
22 0025(2)(e) (*Using district lawful and reasonable rules and regulations*), and OAR 584-020-  
23 0040(4)(o) as it incorporates OAR 584-020-0035(1)(a) (*Keep the confidence entrusted in the*  
24 *profession as it relates to confidential information concerning a student and the student's family*).

25 The described conduct in paragraph four above constitutes gross neglect of duty in violation of  
26 ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1) (*Recognize*  
27 *the worth and dignity of all persons and respect for each individual*), OAR 584-020-0010(5) (*Use*  
28 *professional judgment*) and OAR 584-020-0040(4)(e) (*Violent or destructive behavior on school*  
29 *premises or at a school-sponsored activity*).

30 The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

1 **ORDER**

2 The Commission hereby adopts and incorporates herein the above findings of fact and revokes  
3 Samuel Sylvester Nelson's right to apply for a teaching license for one year.

4 IT IS SO ORDERED this 5<sup>th</sup> day of November, 2012.

5 TEACHER STANDARDS AND PRACTICES COMMISSION

6  
7 By   
8 Victoria Chamberlain, Executive Director