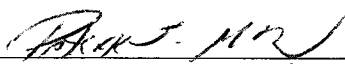


1 made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an
2 attorney regarding this Stipulation and Final Order and has been fully advised with regard to his
3 rights thereto, or waives any and all rights to consult with an attorney prior to entering into this
4 Stipulation and Final Order and issuance and entry of the Stipulated Final Order below. In
5 entering into this stipulation, McCusker waives the right to a hearing to contest the findings of
6 fact, conclusions of law and order set forth below.


7 **STIPULATION OF FACTS**

- 8 1. The Commission has licensed Patrick James McCusker since October 4, 1991. McCusker
9 currently holds a Standard Teaching License issued August 6, 2010, with an
10 endorsement in Standard Social Studies (020), which expires on August 5, 2015. During
11 all relevant times, McCusker was employed by the Portland Public School District.
- 12 2. On or about February 18, 2011, the Commission received a report from the Portland
13 Public School District advising that McCusker had violated Professional Standards. This
14 report indicated that several female students had complained to school administrators
15 alleging sexual harassment by McCusker.
- 16 3. Investigations determined McCusker said the following to female students in the
17 classroom; referring to the student(s) as "Pretty", calling some female students "Sluts",
18 and asking a grumpy female student if she was pregnant or on her period. Students
19 reported that McCusker discussed inappropriate topics in class related to sexual
20 activities, including McCusker talking about receiving oral sex in the past, and stories of
21 McCusker catching a pair of students having sex on school property. It was also reported
22 that McCusker also suggested to students that, in the past, he would confiscate adult
23 magazines from students and keep them for himself. Several female students reported
24 McCusker, while in class, would look at them intently, rub their shoulders, and generally
25 make them feel creepy.

1 IT IS SO STIPULATED:

2 
3 Patrick James McCusker

6-18-13
Date

4 
5 Victoria Chamberlain, Executive Director
6 Teacher Standards and Practices Commission

9-6-13
Date

7 **CONCLUSION OF LAW**

8 Patrick James McCusker made inappropriate comments to students in the classroom.
9 McCusker's conversations contained content that was outside professional teacher / student
10 boundaries. McCusker's conduct was unwelcome and his behavior created an uncomfortable
11 educational environment that intimidated students. This conduct constitutes gross neglect of
12 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-
13 020-0010(1) (*Recognize the worth and dignity of all persons and respect for each individual*),
14 OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0015(2)(e) (*Skill in the*
15 *selection and use of teaching techniques conducive to student learning*), OAR 584-020-
16 0030(2)(b) (*Skill in communicating with administrators, students, staff, parents, and other*
17 *patrons*); OAR 584-020-040(4)(l) (*Sexual Harassment*); and OAR 584-020-0040(4)(o) as it
18 incorporates OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with*
19 *students in conduct and conversations at all times*).

20 The Commission's authority to impose discipline in this matter is based upon ORS
21 342.175.

22 **ORDER**

23 The Commission hereby adopts and incorporates herein the above stipulation of facts,
24 conclusions of law, and based thereon hereby imposes a one (1) year suspension upon
25 McCusker's Standard Teaching License as follows:

1 Patrick James McCusker's Standard Teaching License is hereby suspended for one (1)
2 year following the adoption of this order. Prior to reinstatement, McCusker must successfully
3 complete sexual harassment training as approved by the Commission.

4 Furthermore, the Commission imposes four (4) years of probation upon McCusker to
5 commence upon reinstatement of his license and subject to the following terms and conditions
6 of probation:

- 7 1. McCusker shall comply with the Standards for Competent and Ethical Performance
8 of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

9 / / /

10 Violation of any term or condition of probation shall constitute an independent basis for the
11 Commission to revoke McCusker's educator license or otherwise impose discipline, after first
12 providing McCusker with notice and opportunity for hearing.

13 / / /

14 IT IS SO ORDERED this 17th day of November, 2013.

15 TEACHER STANDARDS AND PRACTICES COMMISSION

16
17 By: Victoria Chamberlain
18 Victoria Chamberlain, Executive Director