

1                   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 FINAL ORDER OF PROBATION  
5   FRANK HOWARD SUMMERS                                )           

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8           On or about August 14, 2009, the Teacher Standards and Practices Commission  
9   (Commission) received information that Frank Summers (Summers) may have engaged in  
10   conduct constituting gross neglect of duty.

11           After review of the matters alleged, Mr. Summers and the Commission agree that their  
12   respective interests, together with the public interest, are best served by a stipulation to certain  
13   facts and probation.

14           By signing below, Mr. Summers acknowledges, understands, stipulates, and agrees to  
15   the following: (i) he has been fully advised of his rights to notice and a hearing to contest the  
16   findings of fact, conclusions of law, and order set forth below, and fully and finally waives all  
17   such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Order  
18   of Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public  
19   document and disclosed to the public upon request by the Commission; (iii) this Stipulation and  
20   Final Order is contingent upon and subject to approval and adoption by the Commission. If the  
21   Commission does not approve and adopt this Stipulation and Final Order, then neither Mr.  
22   Summers nor the Commission are bound by the terms herein; (iv) he has fully read this  
23   Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any force  
24   or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the  
25   Stipulated Final Order below; (vi) he states that no promises or representation has been made  
26   to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney  
27   regarding this Stipulation and Final Order and has been fully advised with regard to his rights  
28   thereto, or waives any and all rights to consult with an attorney prior to entering into this  
29   Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.


1 **STIPULATION OF FACTS**

- 2 1. The Commission has licensed Mr. Summers since June 15, 2007. Summers holds a  
3 Substitute Teaching License that is valid through June 15, 2010. Summers has been  
4 substituting for the Klamath Falls School District.
- 5 2. On August 14, 2009, Summers submitted an application for a license for an Initial I  
6 Teaching License with an endorsement in Social Studies. On this application, Summers  
7 indicated that he had been arrested and convicted for several alcohol-related offenses.
- 8 3. Review of police reports and interviews with Mr. Summers indicate that he has been  
9 arrested three times for DUII between April 1993 and July 2008.
- 10 4. Following his most recent conviction for DUII, Mr. Summers successfully completed a  
11 residential program for alcohol addiction at the Serenity Lane Alcohol Residential  
12 Treatment Center.
- 13 5. Mr. Summers is a Native American who grew up in Chiloquin and would like to stay in  
14 this community and serve as a good example for local Native American children. He  
15 believes it is important for Native American children to have examples of other  
16 individuals of the community who have overcome an addiction and lead productive lives.

17 IT IS SO STIPULATED:

18   
19 \_\_\_\_\_  
20 Frank Howard Summers

2-22-10  
\_\_\_\_\_  
Date

21   
22 \_\_\_\_\_  
23 Victoria Chamberlain, Executive Director  
24 Teacher Standards and Practices Commission

2-9-10  
\_\_\_\_\_  
Date

25 III  
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1 **CONCLUSION OF LAW**

2 Mr. Summers behavior, as described above, constitutes gross neglect of duty in violation  
3 of ORS 342.175(1)(b); OAR 584-020-0040(4)(o) (*Substantial deviation from professional*  
4 *standards of ethics*) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the*  
5 *profession by respecting and obeying the law, exemplifying personal integrity and honesty*).

6 **ORDER**

7 The Commission adopts and incorporates herein the above findings of fact and  
8 conclusions of law and, based thereon, places Frank Summers on Probation for a period of four  
9 (4) years from the date of issuance of his license. This probationary period is subject to the  
10 following terms and conditions:

- 11 1. Mr. Summers shall continue to attend regular meetings (at least monthly) at a local  
12 Alcoholics Anonymous program.
- 13 2. Mr. Summers shall, at his own initiative and expense, continue to obtain  
14 treatment for his alcohol dependency as recommended by his alcohol  
15 treatment provider and abstain from the consumption of alcohol.
- 16 3. Mr. Summers shall be subject to random urinalysis (UA), at his own expense. The  
17 Commission shall determine when these UA's shall be conducted and may inform Mr.  
18 Summers with limited advance notice.
- 19 4. Summers shall report submit reports to the Executive Director of the Commission  
20 every six (6) months describing his compliance with the terms and conditions of this  
21 agreement.
- 22 5. Mr. Summers shall report in writing within ten days to the Executive Director of the  
23 Commission any arrest or citation for any felony, misdemeanor, major traffic violation  
24 or violation of criminal probation; and

1           6. Mr. Summers shall comply with the Standards for Competent and Ethical  
2           Performance of Oregon Educators under Oregon Administrative Rules Chapter 584,  
3           Division 020.

4           Violation of any term or condition of probation shall constitute an independent basis for  
5           the Commission to revoke Mr. Summers' teaching license or otherwise impose discipline, after  
6           first providing Mr. Summers with notice and opportunity for hearing.

7           Issued and dated this 3<sup>rd</sup> March 10 day of ~~February~~, 2010.

8           TEACHER STANDARDS AND PRACTICES COMMISSION

9  
10           By   
11           Victoria Chamberlain, Executive Director