

RECEIVED

SEP 04 2009

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

In the Matter of the )  
Licensure of *Cleaver* )  
NEWELL GEORGE ~~GELAVER~~ )

STIPULATION OF FACTS  
AND  
FINAL ORDER OF REPRIMAND

On June 5, 2006, the Teacher Standards and Practices Commission (Commission) received a report from a patron of the Grant School District relating that Superintendent Newell Cleaver (Cleaver) had information regarding ethical violations by a teacher in the district that Cleaver had not reported to TSPC.

Cleaver fully cooperated with the Commission's investigation. After review of the matters alleged, Cleaver and the Executive Director agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and a public reprimand.

This document sets forth the facts upon which the parties have agreed and the stipulated sanction to be imposed. Cleaver 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, Cleaver 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 (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public by the Commission upon request; (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 Cleaver 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,

1 enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated  
2 Final Order below; (vi) he states that no promises or representations have been made to induce  
3 him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney  
4 regarding this Stipulation and Final Order and has been fully advised with regard to his rights  
5 thereto, or waives any and all rights to consult with an attorney prior to entering into this  
6 Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

7 **STIPULATION OF FACTS**

8 1. The commission has licensed Newell Cleaver since October 19, 1987. Cleaver  
9 currently holds a Standard Administrative License with a Standard Administrator and Standard  
10 Superintendent endorsement. The license, issued by the Commission on February 19, 2006, is  
11 valid through February 18, 2011.

12 2. During a 2004 wrestling tournament a District teacher and wrestling coach confronted  
13 a student-wrestler following a wrestling match, yelled at that student and forcefully pushed the  
14 student wrestler one or more times demonstrating a wrestling technique. The educator admitted  
15 to previously belittling the same students in front of classmates.

16 3. Following an after school April 2006 track practice a Grant School District educator  
17 struck his own son, a student in the district, in the stomach and slapped him causing a bloody  
18 lip.

19 4. This incident was reported to local law enforcement and to the Department of Human  
20 Services. The educator was not prosecuted for this incident but was removed from his coaching  
21 assignment.

22 *////*  
23 *////*  
24 *////*  
25 *////*  
26 *////*


1 5. Cleaver did not report these incidents to TSPC.

2

3 IT IS SO STIPULATED AND AGREED TO:

4   
5  
6 Newell George Cleaver

8-6-09  
Date

7  
8   
9 Victoria Chamberlain, Executive Director  
10 Teacher Standards and Practices Commission

9-10-09  
Date

11 **CONCLUSION OF LAW**

12 Newell Cleaver did not report two incidents of use of force in the Grant County School  
13 District to TSPC as required by OAR 584-020-0041(3). This conduct constitutes gross neglect  
14 of duty in violation of OAR 584-020-0040(4)(m) and OAR 584-020-0040(4)(n) as it incorporates  
15 OAR 584-020-0010(5). The Commission has the authority to impose discipline in this matter  
16 under ORS 342.120 through 342.430 and OAR Chapter 584.

17 **FINAL ORDER**

18 The Commission hereby adopts and incorporates herein the above findings of fact and  
19 conclusion of law and based thereon, here by imposes a Public Reprimand on Newell George  
20 Cleaver. This Order shall serve as the Public Reprimand.

21 Issued and dated this 10<sup>th</sup> day of September, 2009.

22 **TEACHER STANDARDS AND PRACTICES COMMISSION**  
23 **STATE OF OREGON**

24  
25 By:   
26 Victoria Chamberlain, Executive Director

27 Account Number: 60241