

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) ORDER OF SUSPENSION
5 JAMES FRANK ASHBECK) AND PROBATION

6 On or about April 30, 2004, the Teacher Standards and Practices Commission
7 (Commission) received a report from Darce Driskel, Deputy Superintendent, Hermiston
8 School District, indicating that James Frank Ashbeck (Ashbeck) used his school district
9 computer for personal purposes during the 2003-2004 school year.

10 After review of the matters alleged, Mr. Ashbeck and the Commission agree that
11 their respective interests, together with the public interest, are best served by a
12 stipulation to certain facts and the imposition of a ninety (90) day suspension of
13 licensure followed by two (2) year period of probation upon reinstatement of Licensure.

14 This Order sets forth the facts upon which the parties have agreed and the
15 sanction to be imposed. Mr. Ashbeck stipulates that there are sufficient facts contained
16 in the Commission's files and records to support the findings of fact and conclusions of
17 law set forth below. In entering into this stipulation, Mr. Ashbeck waives the right to a
18 hearing to contest the findings of fact, conclusions of law and order set forth below.
19 Mr. Ashbeck understands that the probation will be subject to specific conditions.

20 This stipulation is contingent upon approval and adoption of the Order by the
21 Commission. If the Commission does not adopt this Order, neither Mr. Ashbeck nor the
22 Commission are bound by these Stipulations and Mr. Ashbeck retains all rights to a
23 hearing on the allegations.

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STIPULATION OF FACTS

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1. Mr. Ashbeck holds a Restricted Substitute Teaching License issued

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February 20, 2002, valid though February 20, 2005, with a Substitute Any Specialty

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Endorsement. Mr. Ashbeck also holds a Transitional Teaching License Restricted to

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Umatilla-Morrow ESD, issued September 13, 2002, valid through February 20, 2005,

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with Basic Mathematics and Integrated Science Endorsements.

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2. Mr. Ashbeck served as a substitute teacher for Hemiston School District for

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the 2003-2004 school year.

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3. A District-owned computer with Internet access was present in Mr. Ashbeck's

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classroom for his use in connection with his assigned responsibilities. The District has

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an acceptable use policy. The District's policy prohibits the use or attempted use of

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equipment for Internet access of offensive materials or pictures.

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4. Mr. Ashbeck used his classroom computer to access offensive messages and

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pictures through the District's Internet connection in violation of District policy regarding

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Internet use.

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IT IS SO STIPULATED:

17

James Frank Ashbeck
James Frank Ashbeck

18

7/4/04
Date

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Victoria Chamberlain
Victoria Chamberlain, Executive Director
Teacher Standards and Practices Commission

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6-28-04
Date

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ULTIMATE FINDING OF FACT

1
2 James Frank Ashbeck used the computer equipment owned by his employer,
3 Hermiston School District, located on school premises, to access sexually explicit
4 material on the internet. Mr. Ashbeck was fully aware that accessing such materials at
5 the workplace using a District owned computer was inappropriate and in violation of
6 District policy.

CONCLUSION OF LAW

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8 James Frank Ashbeck's inappropriate use of a District computer constitutes
9 Gross Neglect of Duty in violation of OAR 584-020-0040(4)(b) and OAR 584-020-
10 0040(4)(q). The Commission's authority to impose discipline in this matter is based
11 upon ORS 342.175.

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ORDER

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2 James Frank Ashbeck's Restricted Transitional Teaching License and Restricted
3 Substitute License are suspended for a period of ninety (90) days effective on July 1,
4 2004. At the end of this suspension period, the Commission will issue a teaching
5 license to Mr. Ashbeck upon:

6 1. Submission of evidence that he has completed a teacher education program;
7 2. Submission of a complete application and fees pursuant to OAR 584-050-
8 0015(3); and

9 3. Submission of documentation that he has undergone an evaluation by a
10 psychotherapist or medical professional acceptable to the Commission, and the
11 evaluator submits a written report to the Commission attesting (a) Mr. Ashbeck is fit to
12 work with children and teenagers, and (b) there is a high probability he will not use
13 school district equipment to access sexually explicit materials or engage in similar
14 inappropriate behavior. Any costs associated with the assessment or treatment will be
15 the responsibility of Mr. Ashbeck.

16 Upon the reinstatement of licensure, Mr. Ashbeck shall be placed on probation
17 by the Commission for a period of two (2) years, subject to the following conditions:

18 1. Mr. Ashbeck shall substantially comply with any treatment or counseling as
19 recommended by the individual who completed the evaluation described above.

20 Mr. Ashbeck shall authorize and sign any consent forms as necessary for the treatment
21 provider or counselor to furnish records to or discuss Mr. Ashbeck's treatment with the
22 Commission.

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

4 3. Mr. Ashbeck shall provide information as requested by the Commission to
 5 verify that he has complied with the conditions of probation, including a statement from
 6 a future employing district that he has complied with the Standards for Competent and
 7 Ethical Performance of Oregon Educators.

8 Violation of the terms of this probation may constitute an independent basis for
 9 the Commission to impose discipline, up to and including revocation of Mr. Ashbeck's
 10 teaching license subject to Mr. Ashbeck's right to a hearing on the issue of whether he
 11 violated probation.

12 IT IS SO ORDERED this 29th day of July, 2004.

13 TEACHER STANDARDS AND PRACTICES COMMISSION

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 15 By: *Victoria Chamberlain*
 16 Victoria Chamberlain, Executive Director

17 APPROVED AS TO FORM

18 *Ralph E. Wisel*
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 20 Ralph E. Wisel OSB# 81423
 21 Attorney for James Frank Ashbeck
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