

1 **STIPULATION OF FACTS**

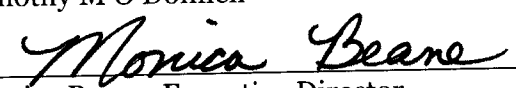
- 2 1. Timothy M O'Donnell has been licensed by the Commission since September 11, 1989.
3 O'Donnell's Standard Teaching License, with endorsements in Basic Physical Education
4 (018) and Standard Health Education (018), is valid from February 12, 2014, through
5 February 21, 2019. During all relevant times, O'Donnell was employed by the Sweet
6 Home School District.
- 7 2. Between March 10, 2014, and May 31, 2015, the Commission received information from
8 both district patrons and the Sweet Home School District indicating O'Donnell may have
9 committed acts which constitute gross neglect of duty. Commission and District
10 investigations determined the following conduct:
- 11 a. On March 10, 2014, the Sweet Home School District reported that on March 5,
12 2014, O'Donnell had been criminally charged and arrested related to O'Donnell's
13 conduct in a confrontation at the Oregon Department of Forestry. On April 4,
14 2014, O'Donnell plead guilty to one count of Disorderly Conduct (Class B
15 Misdemeanor). On March 28, 2014, the Commission received a patron complaint
16 against O'Donnell regarding the same incident. The patron complained that in
17 addition to O'Donnell's conduct described above, O'Donnell's conduct had
18 caused some employees to fear possible future violence.
- 19 b. On March 27, 2014, the Commission received a report from the school district
20 indicating that O'Donnell had pushed a student into the school swimming pool.
21 The involved student was claiming physical injury as a result and local police
22 were investigating a possible charge of Harassment. Investigation determined
23 that O'Donnell did deliberately push the student into the pool, but there was no
24 evidence of any injuries. O'Donnell was issued a citation for Harassment for his
25 conduct. On April 16, 2015, the criminal harassment charge was dismissed by the
26 courts when O'Donnell completed a voluntary anger management class. The
27 Sweet Home School District issued O'Donnell a letter of reprimand and a three
28 day suspension without pay for his conduct.
- 29 c. On May 31, 2015, the Commission received a report from the Sweet Home School
30 District for inappropriate touching of a student when attempting to redirect her
31 behavior. Investigation determined that a female student complained to school
32 officials that O'Donnell had physically grabbed the student's arm and pushed her
33 shoulder when she had refused to comply with O'Donnell's request to stop

1 touching another student. O'Donnell denied the allegation, stating while he may
2 have touched the student, he did not push or grab the student. Based on this and
3 past related complaints and a prior directive to not touch students, school
4 officials recommended dismissal of O'Donnell. O'Donnell resigned in lieu of non-
5 renewal in the fall of 2015.

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7 IT IS SO STIPULATED:

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9 _____
10 Timothy M O'Donnell

11 
12 _____
13 Date

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15 _____
16 Monica Beane, Executive Director
17 Teacher Standards and Practices Commission

18 
19 _____
20 Date

21 CONCLUSION OF LAW

22 Timothy M O'Donnell's conduct described above constitutes gross neglect of duty
23 in violation ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-
24 020-0010(1) (*Recognize the worth and dignity of all persons and respect for each*
25 *individual*), OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-
26 0020(2)(d) (*Skill in the supervision of students*), OAR 584-020-0025(2)(e) (*Using*
27 *district lawful and reasonable rules and regulations*), OAR 584-020-0030(2)(b) (*Skill*
28 *in communicating with administrators, students, staff, parents, and other patrons*);
29 and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain*
30 *the dignity of the profession by respecting and obeying the law, exemplifying personal*
integrity and honesty).

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

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ORDER

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The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a Public Reprimand on Timothy M O'Donnell's Teaching License.

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Furthermore, the Commission imposes a period of three (3) years of probation upon O'Donnell to commence from the date this order is signed by the Commission and subject to the following conditions:

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1. O'Donnell shall comply with the Standards for Competent and Ethical

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Performance of Oregon Educators under Oregon Administrative Rules Chapter

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584, Division 020.

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Issued and dated this 8th day of November, 2016.

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

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By Monica Beane
Monica Beane, Executive Director

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Reprimand and Probation, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail – Return Receipt Requested, addressed to:

Timothy M. O'Donnell
PO Box 1472
Newport, OR 97365

DATED this 18th day of November, 2016.

By: *Patty Sheldon*
Patty Sheldon
Investigative Assistant

Certificate of Mailing – Timothy M. O'Donnell

Data Classification Level: 1- Published
DO: Sheldon