

1 3. Prior to the December break and after Thanksgiving of the 2000-2001 school year at
2 Whiteaker Middle School, Mr. Cushing grabbed CA, a seventh grade female student, around the
3 waist from behind and picked her up off the ground.

4 4. During the 2000-2001 school year at Whiteaker Middle School, Mr. Cushing
5 repeatedly squeezed or pinched, KP, a seventh grade female student, about the waist area and
6 massaged or placed his hand on her neck when he came to her desk to answer a question.

7 5. During the 1999-2000 and the fall 2000 school years, Mr. Cushing repeatedly
8 massaged or squeezed the shoulders of MM, a female student, in the classroom at Whiteaker
9 Middle School.

10 6. During the 1999-2000 school year, Mr. Cushing slapped the buttocks of MM, a female
11 student, in the classroom at Whiteaker Middle School.

12 7. During the 2000-2001 school year, Mr. Cushing repeatedly squeezed, pinched or
13 massaged BH, a female student at Whiteaker Middle School, about the shoulder area and
14 pinched her in the ribs on one occasion.

15 8. In September of 2001, Mr. Cushing lifted the arm of CI, a female student attending
16 Claggett Creek Middle School, and tickled her in the torso area.

17 9. In December of 2001, Mr. Cushing grabbed JJ, a female student attending Claggett
18 Creek Middle School, by the hips and then placed his hands on her back and tickled her.

19 10. On or about January 4, 2002, Mr. Cushing referred to BB, a female student, as "hey
20 skinny", placed his hand on her waist and squeezed her skin.

21 11. In February of 2004, Mr. Cushing told a female student, attending Claggett Creek
22 Middle School, during class that "Something smells like tuna, Lisa, put your legs together."

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CONCLUSIONS OF LAW

Items 1 through 11 above constitute Gross Unfitness in violation of OAR 584-020-0040(4)(f) and OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5). The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

ORDER

The Commission adopts the above findings of fact and hereby revokes Kenneth John Cushing's right to apply for licensure.

IT IS SO ORDERED this 13 day of January, 2005.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: 
Victoria Chamberlain, Executive Director

NOTICE OF APPEAL OR RIGHTS

YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

1
3 I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me
4 as such by regular U.S. mail and by U.S. Certified Mail—Return Receipt Requested, addressed
5 to:
6

7 Kenneth John Cushing
8 485 Marino Drive N
9 Keizer, OR 97303

10 Dated this 31st day of January, 2005.
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15 By: Melody Hanson
16 Melody Hanson, Executive Assistant