

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

3 In the Matter of the))	STIPULATION OF FACTS,
4 Teaching License of))	FINAL ORDER OF REPRIMAND
5 KEVIN FRANCIS O'CONNOR))	AND PROBATION

6 On April 5, 2006, the Teacher Standards and Practices Commission (Commission)
7 received a report from Jack Musser, Superintendent, Forest Grove School District, alleging that
8 Kevin Francis O'Connor (O'Connor) used his school computer and email service in violation of
9 District policy.

10 Mr. O'Connor fully cooperated with the Commission's investigation in this matter. After
11 review of the matters alleged, Mr. O'Connor and the Commission agree that their respective
12 interests, together with the public interest, are best served by a stipulation to certain facts, a
13 reprimand followed by a one (1) year probation. Mr. O'Connor understands that the probation
14 will be subject to specific terms and conditions.

15 This document sets forth the facts upon which the parties have agreed and the
16 stipulated sanction to be imposed. Mr. O'Connor stipulates that there is sufficient evidence in
17 the Commission's files and records to support the findings of fact, conclusions of law, and order
18 set forth below.

19 By signing below, Mr. O'Connor acknowledges, understands, stipulates, and agrees to
20 the following: (i) he has been fully advised of his rights to notice and a hearing to contest the
21 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all
22 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts, Final Order
23 of Reprimand and Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is
24 a public document and disclosed to the public upon request by the Commission; (iii) this
25 Stipulation and Final Order is contingent upon and subject to approval and adoption by the
26 Commission. If the Commission does not approve and adopt this Stipulation and Final Order,
27 then neither Mr. O'Connor nor the Commission are bound by the terms herein; (iv) he has fully

1 read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without
2 any force or duress, enters into this Stipulation and Final Order and consents to issuance and
3 entry of the Stipulated Final Order below; (vi) he states that no promises or representation has
4 been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with
5 an attorney regarding this Stipulation and Final Order and has been fully advised with regard to
6 his rights thereto, or waives any and all rights to consult with an attorney prior to entering into
7 this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

8 **STIPULATION OF FACTS**

9 1. The Commission licensed Kevin O'Connor beginning August 3, 1982. Mr. O'Connor
10 holds a Basic Teaching License issued July 9, 2007, valid until July 8, 2010, with an
11 Endorsement in Basic Elementary education. Mr. O'Connor retired from the Forest Grove
12 School District effective June, 2006. Since then, he has substitute taught at a variety of schools
13 in and around Hood River.

14 2. A District-owned computer with Internet access was present in the classroom in
15 which Mr. O'Connor taught for his use in connection with assigned responsibilities.

16 3. District records indicate that Mr. O'Connor sent numerous entertainment and joke
17 emails using his District computer and email service during the December 2005 and January
18 2006.

19 4. A printout of one of these inappropriate emails fell into the hands of a elementary
20 school student.

21 **IT IS SO STIPULATED AND AGREED TO:**

22 Kevin F. O'Connor
23 Kevin O'Connor

8-25-07
Date

24 Victoria Chamberlain
25 Victoria Chamberlain, Executive Director
26 Teacher Standards and Practices Commission

8-21-07
Date

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1 **ULTIMATE FINDING OF FACT**

2 Kevin O'Connor used the computer equipment owned by his employer, Forest Grove
3 School District, located on school premises, to send inappropriate email. A print out of one of
4 these emails was seen by a student.

5 **CONCLUSIONS OF LAW**

6 Kevin O'Connor used District computer systems inappropriately. This conduct
7 constitutes Gross Neglect of Duty in violation of OAR 584-020-0040(4)(a).The Commission has
8 the authority to impose discipline in this matter is based upon ORS 342.120 through 342.430
9 and OAR Chapter 584.

10 **FINAL ORDER**

11 The Commission hereby adopts and incorporates herein the above findings of fact and
12 imposes a Public Reprimand on Kevin Francis O'Connor. This Stipulation of Facts, Order and
13 Probation constitute the Reprimand.

14 Furthermore, the Commission imposes a one (1) year probation upon Mr. O'Connor
15 requiring that Mr. O'Connor comply with all Standards for Competent and Ethical Performance
16 under Oregon Administrative Rules, Chapter 584, Division 020.

17 Violation of the terms of this probation may constitute an independent basis for the
18 Commission to impose discipline, up to and including revocation of Mr. O'Connor's teaching
19 license subject to Mr. Connor's right to a hearing on the issue of whether he violated probation.

20 Issued and dated this 5th day of November, 2007.

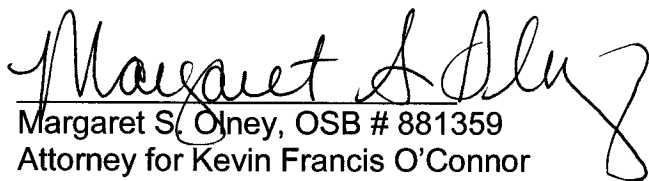
21 **TEACHER STANDARDS AND PRACTICES COMMISSION**
22 **STATE OF OREGON**

23 By Victoria Chamberlain
24 Victoria Chamberlain, Executive Director
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1 Approved as to form:

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4 Margaret S. Olney, OSB # 881359
5 Attorney for Kevin Francis O'Connor

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