

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

3 In the Matter of the)
4 Licensure of)
5 GAIL FLOYD BARTHOLOMEW)
6 STIPULATION OF FACTS,
 ORDER OF SUSPENSION
 AND PROBATION

7 On April 15, 2004, the Teacher Standards and Practices Commission (Commission)
8 received an application for a Transitional Teaching License from Gail Floyd Bartholomew
9 (Bartholomew). In the character question section of the application Mr. Bartholomew responded
10 “no” to all questions. On December 6, 2004, the Utah State office of Education, Professional
11 Practices, contacted the Commission seeking a current mailing address for Mr. Bartholomew.
12 Information from Freedom Academy, Provo, Utah, indicates that on January 14, 2004,
13 Mr. Bartholomew was terminated from employment as a teacher for using his school computer
14 extensively to access inappropriate Internet sites during school hours.

15 Mr. Bartholomew fully cooperated with the Commission’s investigation. After review of
16 the matters alleged, Mr. Bartholomew and the Commission agree that their respective interests,
17 together with the public interest, are best served by a stipulation to certain facts and the
18 imposition of a six (6) month suspension of licensure, effective August 5, 2005, followed by a
19 three (3) year period of probation upon reinstatement of licensure.

20 This Order sets forth the facts upon which the parties have agreed and the sanction to
21 be imposed. Mr. Bartholomew stipulates that there are sufficient facts contained in the
22 Commission’s files and records to support the findings of fact and conclusions of law set forth
23 below. In entering into this stipulation, Mr. Bartholomew waives the right to a hearing to contest
24 the finding of fact, conclusion of law and order set forth below.

25 This stipulation is contingent upon approval and adoption of the Order by the
26 Commission. If the Commission does not adopt this Order, neither Mr. Bartholomew nor the

1 Commission are bound by these stipulations, and Mr. Bartholomew retains all rights to a hearing
2 on the allegations.

3 **STIPULATION OF FACTS**

4 1. Mr. Bartholomew currently holds a Transitional Teaching License issued by the
5 Commission on April 22, 2004, valid through April 22, 2007, with an endorsement in Special
6 Education.

7 2. Mr. Bartholomew served as a Special Educator Teacher for the Brookings Harbor
8 School District beginning May 19, 2004 through the end of the school year.

9 3. Mr. Bartholomew served as a Special Educator Teacher for the Central Curry School
10 District beginning August 31, 2004 through the end of the school year in June of 2005.

11 4. On April 15, 2004, Mr. Bartholomew submitted an application for a Transitional
12 Teaching License. Mr. Bartholomew responded "no" to character question 3, "Have you ever
13 failed to complete a contract for educational services in any educational or school-related
14 position, or for any alleged misconduct or alleged violation of professional standards of conduct
15 been placed on leave by your employer or left such employment prior to the end of the contract
16 term?" Mr. Bartholomew failed to disclose that he was placed on administrative leave on
17 January 4, 2004 and terminated on January 14, 2004, from his teaching position at Freedom
18 Academy in Provo, Utah.

19 5. On April 19, 2004, Mr. Bartholomew submitted an application for employment as a
20 teacher for the Brookings Harbor School District. In the Personal History section of the
21 application Mr. Bartholomew disclosed that he had been dismissed from a teaching position.
22 However, Mr. Bartholomew indicated that his reason for leaving Freedom Academy, Provo,
23 Utah was due to a "Disagreement."

24 6. On or about March 30, 2004, Mr. Bartholomew electronically submitted a statewide
25 teacher application for employment with Beaverton Public Schools. Mr. Bartholomew made a
26 false statement by responding "no" to character question 3, "Have you ever failed to complete a

1 a contract for educational services in any educational or school-related position, or for any
2 alleged misconduct or alleged violation of professional standards of conduct been placed on
3 leave by your employer or left such employment prior to the end of the contract term?"

4 Mr. Bartholomew failed to disclose that he was placed on administrative leave on January 4,
5 2004 and terminated on January 14, 2004, from his teaching position at Freedom Academy in
6 Provo, Utah.

7 7. On or about May 1, 2004, Mr. Bartholomew submitted an application for employment
8 as a teacher for the Central Curry School District. In the "Teaching Experience" section of the
9 application Mr. Bartholomew indicated that he was employed by Freedom Academy in Provo,
10 Utah for the academic year 2003-2004. Mr. Bartholomew did not disclose that he had been
11 dismissed from his teaching position on January 14, 2004, and was not employed by Freedom
12 Academy at the time of the application.

13 8. On June 3, 2004, Freedom Academy reported Mr. Bartholomew's misconduct to the
14 Utah Professional Practices Advisory Commission. On January 12, 2005, the Utah Professional
15 Practices Advisory Commission revoked Mr. Bartholomew's teaching license for a period of,
16 "not less than five years" for "significant access of Internet pornography through his school
17 computer" while serving as a teacher at Freedom Academy in Provo, Utah.

18 IT IS SO STIPULATED:

19 
20 Gail Floyd Bartholomew

6-15-05
Date

21 
22 Victoria Chamberlain, Executive Director
23 Teacher Standards and Practices Commission
24

6-9-05
Date

25 **CONCLUSIONS OF LAW**

26 Gail Floyd Bartholomew made knowing misrepresentation to the Commission directly
27 related to licensure on his application for a Transitional Teaching License by failing to disclose

1 that he was placed on leave and subsequently terminated from an educational position for
2 violation of professional standards of conduct by his employer, Freedom Academy in Provo,
3 Utah. This misconduct constitutes Neglect of Duty in violation of ORS 342.175(1)(e) and OAR
4 584-020-0040(4)(c).

5 Mr. Bartholomew made knowing misrepresentation on applications for employment to
6 Brookings Harbor School District, Central Curry School District and Beaverton Public Schools
7 directly related to employment by failing to disclose that he was placed on leave and
8 subsequently terminated from an educational position for misconduct by his employer, Freedom
9 Academy in Provo, Utah. This misconduct constitutes Neglect of Duty in violation of OAR 584-
10 020-0040(4)(c).

11 While serving as a licensed educator in the State of Utah, Mr. Bartholomew knowingly
12 violated computer use policies of his employing school and Utah Professional Practices
13 Advisory Commission rules by using a school computer to access inappropriate Internet sites
14 during school hours. Although Mr. Bartholomew was not licensed by the Commission at the
15 time of his behavior in Utah, the misconduct can be used as evidence that the applicant may
16 lack fitness to serve as an educator pursuant to OAR 584-050-0006(5) and ORS 342.143.
17 The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

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2 **ORDER**

3 The Commission adopts the foregoing Stipulation of Facts and suspends the
4 Transitional Teaching License of Gail Floyd Bartholomew, for a period of six (6) months
5 effective on August 5, 2005. At the end of this suspension period, Mr. Bartholomew's licensure
6 will be reinstated upon:

- 7 1. Submission of a complete application and fees pursuant to OAR 584-050-0015(3);
- 8 2. Submission of documentation that he has undergone an evaluation by a
9 psychotherapist or medical professional acceptable to the Commission, and the evaluator
10 submits a written report to the Commission attesting (a) Mr. Bartholomew is fit to work with
11 children and teenagers; and (b) there is a high probability he will not use school district
12 equipment to access sexually explicit materials or engage in similar inappropriate behavior. Any
13 costs associated with the assessment or treatment will be the responsibility of Mr. Bartholomew.

14 Upon the reinstatement of licensure, Mr. Bartholomew shall be placed on probation by
15 the Commission for a period of three (3) years, subject to the following terms and conditions:

- 16 1. Mr. Bartholomew shall substantially comply with any treatment or counseling as
17 recommended by the individual who completed the training and evaluation described above.
18 Upon completion of treatment; the provider shall submit full analysis of Mr. Bartholomew's
19 treatment compliance and any prospective recommendations.

- 20 2. Mr. Bartholomew shall comply with all Standards for Competent and Ethical
21 Performance of Oregon Educators under Oregon Administrative Rules, Chapter 584, Division
22 020.

- 23 3. Mr. Bartholomew shall provide information as requested by the Commission to verify
24 that he has complied with the conditions of probation, including a statement from a future
25 employing district that he has complied with the Standards for Competent and Ethical
Performance of Oregon Educators.

1 Violation of any term or condition of this probation may constitute an independent basis
2 for the Commission to impose discipline, up to and including revocation of Mr. Bartholomew's
3 teaching license subject to Mr. Bartholomew's right to a hearing on the issue of whether he
4 violated probation.

5 IT IS SO ORDERED this 9 day of August, 2005.

6 TEACHER STANDARDS AND PRACTICES COMMISSION

7
8 By: *Victoria Chamberlain*
9 Victoria Chamberlain, Executive Director

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11 Approved as to form:

12
13 *Aruna Masih*
14 Aruna Masih, OSB# 97324
15 Attorney for Frederick Albert Bartholomew

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