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

In the Matter of the ) STIPULATION OF FACTS AND  
Teaching License of: ) FINAL ORDER OF  
RICHARD K. FLOWERS ) SUSPENSION OF RIGHT TO APPLY

On or about February 23, 2006, the Teacher Standards and Practices Commission (Commission) received a report indicating that Mr. Flowers may have engaged in conduct constituting gross neglect of duty.

The Commission charged Mr. Flowers with gross neglect of duty and issued a Notice of Opportunity for Hearing on January 6, 2010. After review of the matters alleged, Mr. Flowers and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the suspension of his right to apply for a license.

By signing below, Mr. Flowers acknowledges, understands, stipulates, and agrees to the following: (i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Suspension of Right to Apply (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Mr. Flowers nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no promises or representation have been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully

1 advised with regard to his rights thereto, or waives any and all rights to consult with an attorney  
2 prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated  
3 Final Order below.

4 **STIPULATION OF FACTS**

5 1. The Commission first licensed Mr. Flowers on June 26, 1989. Mr. Flowers most  
6 recently held a Basic Teaching License with an endorsement in Basic Elementary/016 that was  
7 valid from May 27, 2005 through May 26, 2008. Mr. Flowers has not applied to renew his  
8 license and has indicated that he does not plan to return to teaching.

9 2. During all relevant times, Mr. Flowers was employed by the Three Rivers School  
10 District as a first grade teacher at Ft. Vannoy Elementary School. He was a teacher with the  
11 district from August 20, 1990 until May, 2006.

12 3. During the 2004-2005 and 2005-2006 school years the school administration  
13 received reports that Mr. Flowers permitted female first grade students to give frontal hugs to  
14 him, rub his neck, shoulders and face, and cling or hang on him during classroom reading time.

15 4. Mr. Flowers was placed on paid administrative leave on January 24, 2006, pending  
16 investigation of the above referenced complaint.

17 4. On or about May 26, 2006, Mr. Flowers took early retirement from teaching for  
18 medical reasons. Mr. Flowers has been and continues to be unable to teach due to medical  
19 issues.

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

21 *R. K. Flowers*  
22 Richard Kirk Flowers

9-25-10  
Date

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

10-12-10  
Date

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**CONCLUSIONS OF LAW**

Mr. Flowers' conduct described in paragraph 3 above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates 584-020-0035(1)(c)(D) (honoring appropriate adult boundaries with students in conduct and conversations at all times); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5)(use professional judgment).

The Commission has the authority to impose discipline in this matter under ORS 342.120 through 342.430 and OAR Chapter 584.

**FINAL ORDER**

The Commission adopts and incorporates herein the above findings of facts and conclusions of law and hereby suspends Mr. Flowers' right to apply for reinstatement of his Basic Teaching License for one year from the date of this order. Mr. Flowers may apply to the Commission for reinstatement of his right to apply for a license, subject to the following conditions:

a. Mr. Flowers will complete boundary training by a provider subject to TSPC approval and will provide proof of completion of the boundaries training as part of his petition for reinstatement.

b. Mr. Flowers will provide evidence of his physical fitness to teach at the time of his application for reinstatement.

c. Reinstatement of Mr. Flowers' license will be subject to TSPC approval.

Issued and dated this 5<sup>th</sup> day of ~~September~~ <sup>November</sup>, 2010.

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

By *Victoria Chamberlain*  
Victoria Chamberlain, Executive Director