




1 any force or duress, enters into this Stipulation and Final Order and consents to issuance and  
2 entry of the Stipulated Final Order below; (vi) he states that no promises or representation has  
3 been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with  
4 an attorney regarding this Stipulation and Final Order and has been fully advised with regard to  
5 his rights thereto, or waives any and all rights to consult with an attorney prior to entering into  
6 this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.  
7 This Order sets forth the facts upon which the parties have agreed and the sanction to be  
8 imposed. Mr. McCaffrey stipulates that there are sufficient facts contained in the Commission's  
9 files and records to support the findings of fact and conclusions of law set forth below. In  
10 entering into this stipulation, Mr. McCaffrey waives the right to a hearing to contest the findings  
11 of fact, conclusions of law and order set forth below.

12 **STIPULATION OF FACTS**

13 1. The Commission has licensed Mr. McCaffrey since February 12, 1999. Mr.  
14 McCaffrey last held an Initial I Teaching License that expired on May 18, 2009. He was last  
15 employed by the Salem-Keizer School District.

16 2. On or about October, 2007, Mr. McCaffrey was charged by the Marion County District  
17 Attorney's office with two counts of Sex Abuse III. The charges were later dismissed with  
18 prejudice. The charges stemmed from a 2002 incident where Mr. McCaffrey gave his 16-year  
19 old stepdaughter a massage when she was completely unclothed. Mr. McCaffrey asserts that  
20 his stepdaughter suffered severe scoliosis that caused her significant pain. The massaging  
21 included rubbing her buttocks and the sides of her breasts.

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

23   
24 Thomas M. McCaffrey

11/24/09  
Date

25   
26 Victoria Chamberlain, Executive Director  
27

12-08-09  
Date

1 Teacher Standards and Practices Commission

2 **CONCLUSIONS OF LAW**

3 By engaging in the conduct in paragraph 2 above, Mr. McCaffrey engaged in Gross  
4 Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(f)(sexual conduct with  
5 student) as defined in OAR 584-020-0005(5); OAR 584-020-0040(4)(o) as it incorporates OAR  
6 584-020-0035(3)(a)(Maintain dignity of the profession by obeying the law, exemplifying personal  
7 integrity and honesty); ORS 342.143(2) and OAR 584-020-0040(3(c) and (d). The Commission  
8 has the authority to impose discipline in this matter under ORS 342.120 through 342.430 and  
9 OAR Chapter 584.


10 **FINAL ORDER**

11 Based on the foregoing:

- 12 1. The Commission adopts and incorporates herein the above finding of facts,  
13 conclusions of law, and based thereon, revokes Thomas M. McCaffrey's right to  
14 apply for a teaching license for one year.
- 15 2. After having his right to apply revoked for one year, Thomas M. McCaffrey will  
16 not be eligible to apply for reinstatement of his license until he obtains, at his own  
17 expense, a psychosexual evaluation by a licensed psychologist subject to  
18 approval by the Commission.
- 19 3. The psychosexual evaluation required as part of any reinstatement application is  
20 in addition to any other applicable requirements allowed by the Commission's  
21 statutes and rules.

22 Issued and dated this 16<sup>th</sup> day of February, 2010.

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

25 By   
26 \_\_\_\_\_  
27 Victoria Chamberlain, Executive Director