

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

In the Matter of the) STIPULATION OF FACTS, ORDER OF
Teaching License of:) SUSPENSION, AGREEMENT
DANIEL P. BAXTER) NOT TO REAPPLY

On or about September 10, 2008, the Teacher Standards and Practices Commission (Commission) received a report indicating that Mr. Baxter may have engaged in conduct constituting gross neglect of duty.

The Commission charged Mr. Baxter with gross neglect of duty and issued a Notice of Opportunity for Hearing on March 6, 2009. After review of the matters alleged, Mr. Baxter and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, the suspension of his license for one year and an agreement that Mr. Baxter will not reapply for a license when his current license expires or at any future time.

By signing below, Mr. Baxter 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 Revocation 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. Baxter 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

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

11 **STIPULATION OF FACTS**

12 1. The Commission has licensed Mr. Baxter since August 18, 2004. Mr. Baxter
13 currently holds an Initial I Teaching License valid from August 19, 2007 to January 22, 2011.

14 2. During the 2007-2008 school year, Mr. Baxter was employed by the Hood River
15 County School District and taught at Cascade Locks Community School.

16 3. On more than one occasion during the 2006-2008 school years, Mr. Baxter used
17 terms such as "cute," "adorable," and "beautiful" when describing or addressing students in his
18 classes. Two of the students, LB and MM, reported feeling uncomfortable when Mr. Baxter
19 addressed them with these or similar terms.


20 4. During May or June of 2008, student LB wrote the words "Hi Mr. Baxter" on a sheet of
21 paper during class. In response, Mr. Baxter wrote on the same paper the following: "Hey –
22 Back @ you. When you are 18 and out of school we should talk. Take care." Mr. Baxter
23 admitted writing these words to deflect further discussion of a question LB posed to him earlier
24 regarding the use of illegal substances.

1 5. During the 2007-2008 school year, Mr. Baxter used his personal MySpace account
2 to contact students SF and LB and commented on matters of a personal nature.

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

4 
5 Daniel Peter Baxter

2/27/2010
Date

6 
7 Victoria Chamberlain, Executive Director
8 Teacher Standards and Practices Commission
9

4-5-10 W
Date

10 **CONCLUSIONS OF LAW**

11 1. Mr. Baxter's conduct described in paragraphs 3, and 4 above constitutes gross
12 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(o) as it incorporates
13 584-020-0035(1)(c)(D) (honoring appropriate adult boundaries with students in conduct and
14 conversations at all times); and OAR 584-020-0040(4)(n) as it incorporates 584-020-0010(5)
15 (use professional judgment).

16 2. Mr. Baxter's conduct described in paragraph 5 above constitutes gross neglect of
17 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(o) as it incorporates OAR 584-
18 020-0035(1)(c)(A) and (D) (not demonstrating or expressing professionally inappropriate
19 interest in a student's personal life), (honoring appropriate adult boundaries with students in
20 conduct and conversations at all times); and OAR 584-020-0040(4)(n) as it incorporates 584-
21 020-0010(5) (use professional judgment).

22 The Commission has the authority to impose discipline in this matter under ORS
23 342.120 through 342.430 and OAR Chapter 584.

24 **FINAL ORDER**

25 The Commission adopts and incorporates herein the above finding of facts,
26 conclusions of law, and based thereon, suspends Mr. Baxter's license for 1 year commencing
27 the date this order is approved by the commission. Mr. Baxter agrees not to reapply for an
28 Oregon license when his current license expires or at any time in the future.

1 Issued and dated this 14th day of May, 2010.

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

4 By *Victoria Chamberlain*
5 Victoria Chamberlain, Executive Director
6

7