

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

3 In the Matter of the)
4 Teaching License of)
5 DANIEL JOHN HOLDEN)
6)
7 STIPULATION OF FACTS
 ORDER OF SUSPENSION
 AND PROBATION

8 On or about October 3, 2000, the Teacher Standards and Practices Commission
9 (Commission) received a report from Craig Roessler, Superintendent, Silver Falls School
10 District indicating that Daniel John Holden (Holden) violated Standards on September 8, 2000,
11 by appearing on duty under the influence of alcohol.

12 After review of the matters alleged, Mr. Holden and the Commission agree that their
13 respective interests, together with the public interest, are best served by a stipulation to certain
14 facts and the suspension of Mr. Holden’s right to apply for a teaching license for 60 days. The
15 Commission will impose a period of four (4) years probation upon reinstatement of his teaching
16 license. This Order sets forth the facts upon which the parties have agreed and the sanction to
17 be imposed. In entering into this stipulation, Mr. Holden waives the right to a hearing to contest
18 the findings of fact, conclusions of law and order set forth below. Mr. Holden understands that
19 the probation and suspension will be subject to specific conditions.

20 **STIPULATION OF FACTS**

- 21 1. Daniel John Holden’s Basic Teaching License with a Basic Elementary
22 Endorsement issued on July 12, 1999, expired on June 29, 2002.
- 23 2. Mr. Holden began his employment with the Silver Falls School District in September
24 of 1983. He resigned effective January 5, 2001.
- 25 3. On December 14, 2000, Mr. Holden reported for duty while under the influence of
26 alcohol.
- 27 4. On November 15, 1999, Mr. Holden was granted Diversion in Clackamas
28 County Circuit Court on a charge of DUII. On August 16, 2000, the court granted
29 Mr. Holden a continuance on the Diversion. On April 25, 2001, the court extended

1 Mr. Holden's Diversion to September 24, 2001. Mr. Holden's DUUI Diversion is currently
2 pending in Clackamas County Circuit Court.

3 Daniel John Holden enters into this Stipulation of Facts with the knowledge that the
4 Teacher Standards and Practices Commission will suspend his right to apply for an Oregon
5 Teaching License for sixty (60) days effective August 2, 2002, and upon reinstatement of the
6 license shall place him on probation for a period of four (4) years. This Stipulation is contingent
7 upon approval and adoption of the Order by the full Commission. If the Commission does not
8 adopt this Order, neither Mr. Holden nor the Commission are bound by these stipulations and
9 Mr. Holden retains the right to a hearing on the allegations.

10 IT IS SO STIPULATED:

11 
12 Daniel John Holden
13 Date 11 July 02

14 
15 Victoria Chamberlain, Executive Director
16 Teacher Standards and Practices Commission
17 Date 6-21-02

18 **CONCLUSIONS OF LAW**

19 Daniel John Holden violated OAR 584-020-0040(4)(g) by appearing on duty while under
20 the influence of alcohol on December 14, 2000, at Scott Mills Elementary School. This
21 misconduct constitutes Gross Neglect of Duty. The Commission's authority to impose discipline
22 in this matter is based upon ORS 342.175(1)(b).
23

24 **ORDER**

25 The Commission adopts the above finding of fact and suspends the right of Daniel John
26 Holden to apply for an Oregon Teaching License effective August 2, 2002, for a period of sixty
27 (60) days. At the end of this suspension period Mr. Holden may apply for a teacher license
28 pursuant to OAR 584-050-0015(3), certification of his completion of an alcohol treatment
29 program, and participation in aftercare as prescribed in the treatment plan.

1 Upon reinstatement of his teaching license, Mr. Holden shall be placed on probation for a
2 period of four (4) years subject to the following conditions:

3 1. Mr. Holden shall, at his own initiative and expense, continue to obtain treatment for
4 his alcohol dependency as recommended by his alcohol treatment provider;

5 2. Mr. Holden shall provide the Executive Director with a copy of the treatment plan;

6 3. During the period of his probation, Mr. Holden shall comply with the terms of the
7 treatment plan;

8 4. During the period of his probation, Mr. Holden shall submit to the Executive
9 Director of the Commission reports of his compliance with the treatment plan. Mr. Holden shall
10 provide these every six (6) months for the balance of his probation;

11 5. Mr. Holden shall comply with all Standards for Competent and Ethical Performance
12 under Chapter 584, Division 020.

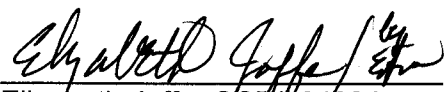
13 If Mr. Holden does not comply with his treatment plan based on the reports of his
14 treatment provider or as otherwise determined by the Executive Director he shall be in violation
15 of the terms of this probation. Violation of the terms of this probation may constitute an
16 independent basis for the Commission to impose discipline, up to and including revocation of
17 Mr. Holden's teaching license subject to Mr. Holden's right to a hearing on the issue of whether
18 he violated probation.

19 Dated this 2nd day of August, 2002

20 TEACHER STANDARDS AND PRACTICES COMMISSION

21
22
23 By 
24 Victoria Chamberlain, Executive Director

25 Approved as to form:

26
27 
28 Elizabeth Joffe OS# 94024
29 Attorney for Daniel John Holden

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