

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2 OF THE STATE OF OREGON

3 In the Matter of the) STIPULATION OF FACTS,
 4 Teaching License of) ORDER OF REPRIMAND
 5 PATRICK ARTHUR AVERY) AND PROBATION
 6)

7 On or about May 3, 2001, the Teacher Standards and Practices Commission
 8 (Commission) received a report from Stan Turner, Superintendent, Eugene Public
 9 Schools indicating that on March 11 to 12, 2001, Patrick Avery took eleven students
 10 from South Eugene High School to Battleground Washington, to watch a play at the
 11 high school where he formerly taught. Mr. Avery did not obtain prior approval from the
 12 district; permission slips from the parents; or complete any of the school and district
 13 required field trip forms. Mr. Turner also reported that Mr. Avery and underage students
 14 consumed alcohol while staying overnight at a local high school student's residence in
 15 Battleground, Washington.

16 Mr. Avery fully cooperated with the Commission's investigation. After review of
 17 the matters alleged, Mr. Avery and the Commission agree that their respective interests,
 18 together with the public interest, are best served by a stipulation to certain facts and the
 19 imposition of a Public Reprimand, followed by a period of probation of two (2) years.
 20 This Order sets forth the facts upon which the parties have agreed and the sanction to
 21 be imposed. In entering into this stipulation, Mr. Avery waives the right to a hearing to
 22 contest the findings of fact, conclusion of law and order set forth below. Mr. Avery
 23 understands that the probation will be subject to specific conditions.

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 Teachers Standards
 and Practices Commission

1 **STIPULATION OF FACTS**

2 1. Mr. Avery holds a Basic Oregon Teaching License with Standard Drama and
3 Basic Language Arts Endorsements issued on August 2, 2000 valid until October 31,
4 2003.

5 2. Mr. Avery is employed Eugene Public Schools as a Drama Teacher at South
6 Eugene High School. He recently completed his first probationary year.


7 3. On March 10, 2001, Mr. Avery and eleven South Eugene High School
8 students met at the school and traveled to Battleground, Washington, to attend a play at
9 Battleground High School. Mr. Avery failed to make appropriate arrangements with the
10 District regarding the field trip, transportation and over night accommodations. Mr.
11 Avery and the students returned to Eugene, Oregon on March 11, 2001.

12 4. After attending the play on March 10, 2001, Mr. Avery and the students
13 "camped out" in the yard of a Battleground High School student where the cast party
14 was held. The Battleground students openly consumed alcoholic beverages. Mr. Avery
15 admits that he consumed two beers. During the party Mr. Avery was not aware any of
16 his student consuming alcohol. However, when the students returned to Eugene, three
17 students admitted to consuming beer at the party.

18 5. Mr. Avery accepts responsibility for his behavior and acknowledges his
19 behavior was inappropriate.

20 This stipulation is contingent upon approval and adoption of the Order by the
21 Commission. If the Commission does not adopt this Order, neither Mr. Avery nor the
22 Commission are bound by these Stipulations and Mr. Avery retains all rights to a
23 hearing on the allegations.

1 IT IS SO STIPULATED:

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3 _____
4 Patrick Arthur Avery

8/16/01
Date _____

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6 _____
7 David V. Myton Executive Director
8 Teacher Standards and Practices Commission

8/16/01
Date _____

9 **CONCLUSIONS OF LAW**

10 By failing to follow District policy regarding field trips Mr. Avery violated OAR 584-
11 020-0025(2)(e). In failing to properly supervise students Mr. Avery violated OAR 584-
12 020-0020(2)(d). Mr. Avery's consumption of alcoholic beverage in front of students at
13 what should have been a school sponsored event violated OAR 584-020-0040(4)(g).
14 Each one of these violations are grounds for a finding of Gross Neglect of duty under
15 OAR 584-020-0040.

16 **ORDER**

17 The Commission imposes a Public Reprimand on Mr. Avery. This Stipulation of
18 Facts, Order and Probation constitutes the Reprimand. Furthermore, the Commission
19 imposes a two (2) year probation upon Mr. Avery subject to the following conditions:

- 20 1. Mr. Avery shall at his own expense, participate in an intensive education
21 program regarding appropriate boundaries with students conducted by a qualified
22 trainer approved advance by the Commission. This intensive training shall consist of, at
23 least, five (5) one and one-half (1 ½) hour sessions. The educator will provide the
24 trainer with a copy of this Order and a copy of the reprimand issued by Eugene Public
25 Schools dated April 23, 2001. As a condition of probation the educator shall complete

1 the education program within one year of the date of this order. The program trainer will
2 provide the Commission with a report of successful program completion.

3 2. Mr. Avery shall comply with all Standards for Competent and Ethical
4 Performance under Chapter OAR 584, Division 020.

5 Violation of the terms of this probation may constitute an independent basis for
6 the Commission to impose discipline, up to and including revocation of Mr. Avery's
7 teaching license subject Mr. Avery's right to a hearing on the issue of whether he
8 violated probation.

9 Dated this 14th day of September 2001

10 TEACHER STANDARDS AND PRACTICES COMMISSION

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By: David V. Myton
David V. Myton, Executive Director

14 Approved as to form:

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Elizabeth McKanna
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Attorney for Patrick Arthur Avery

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