

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

3 In the Matter of the) STIPULATION OF FACTS,
4 Teaching License of) FINAL ORDER OF REPRIMAND
5 TERRY FRANCIS MANNING) AND PROBATION

6 On or about February 7, 2005, the Teacher Standards and Practices Commission
7 (Commission) received a report from Craig Roessler, Superintendent, Silver Falls School District
8 indicating that Terry Francis Manning [Manning] made inappropriate comments to female students
9 and may have touched female students in an inappropriate manner.

10 Mr. Manning fully cooperated with the Commission's investigation. After review of the matters
11 alleged, Mr. Manning and the Commission agree that their respective interests, together with the
12 public interest, are best served by a stipulation to certain facts, the imposition of a Public Reprimand
13 and a three (3) year probation.

14 This document sets forth the facts upon which the parties have agreed and the stipulated
15 sanction to be imposed. Mr. Manning stipulates that there is sufficient evidence in the Commission's
16 files and records to support the findings of fact, conclusions of law, and order set forth below.

17 By signing below, Mr. Manning acknowledges, understands, stipulates, and agrees to the
18 following: (i) he has been fully advised of his rights to notice and a hearing to contest the findings of
19 fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any
20 rights to appeal or otherwise challenge this Stipulation of Facts, Final Order of Reprimand and
21 Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and
22 disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is
23 contingent upon and subject to approval and adoption by the Commission. If the Commission does
24 not approve and adopt this Stipulation and Final Order, then neither Mr. Manning nor the Commission
25 are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands
26 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

1 promises or representation has been made to induce him to sign this Stipulation and Final Order; and
2 (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully
3 advised with regard to his rights thereto, or waives any and all rights to consult with an attorney prior
4 to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order
5 below. Mr. Manning understands that the probation will be subject to specific conditions.

6 **STIPULATION OF FACTS**

7 1. The Commission has licensed Terry Francis Manning since August 1, 1985.
8 Mr. Manning currently holds a Standard Teaching License valid November 7, 2003, through October
9 6, 2008, with a Standard Biology Endorsement and a Three-Year Professional Technical License valid
10 July 21, 2003, through October 6, 2006, with a Health Services Endorsement.

11 2. Mr. Manning began teaching for Silver Falls School District in August of 1985.
12 Mr. Manning resigned his position as teacher of Sports Medicine and related athletic training duties
13 effective June 30, 2005, while retaining his full time teaching position with the District.



14 3. During the 2004-2005 school year at Silverton High School, Mr. Manning discussed topics
15 of a personal, private or otherwise inappropriate nature with students by asking where they live,
16 discussing relationships with his girlfriend and making references to interactions between female
17 students and their boyfriends.

18 4. During the 2004-2005 school year in his Sports Medicine Class at Silverton High School,
19 Mr. Manning touched two female students in a way in which the students claimed made them
20 uncomfortable. Mr. Manning put his hands on the shoulders of one student while encouraging her to
21 get back to work. Mr. Manning touched the other student on the hip while measuring a muscle as part
22 of a class demonstration.

23 Terry Francis Manning enters into this Stipulation of Facts with the knowledge that the
24 Teacher Standards and Practices Commission shall place him on probation for a period of three (3)
25 years. This Stipulation is contingent upon approval and adoption of the Order by the full Commission.

1 If the Commission does not adopt this Order, neither Mr. Manning nor the Commission are bound by
2 these stipulations and Mr. Manning retains the right to a hearing on the allegations.

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

4 
5 Terry Francis Manning
6 
7 Victoria Chamberlain, Executive Director
8 Teacher Standards and Practices Commission

7-13-06
Date
6-29-06
Date

9 **CONCLUSIONS OF LAW**

10 During the 2004-2005 school year at Silverton High School, Terry Francis Manning violated
11 OAR 584-020-0040(4)(f) and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c) by
12 inappropriately touching female students and by discussing inappropriate topics with students. This
13 misconduct constitutes Gross Neglect of Duty. The Commission's authority to impose discipline in
14 this matter is based upon ORS 342.175.

15 **STIPULATED FINAL ORDER**

16 The Commission hereby adopts and incorporates herein the above findings of fact and
17 imposes a Public Reprimand on Terry Francis Manning. This Order shall serve as the Public
18 Reprimand. Furthermore, the Commission imposes a three (3) year probation upon Mr. Manning
19 subject to the following conditions. The terms of probation are as follows:

20 1. By no later than October 15, 2006, Mr. Manning shall, seek evaluation by a
21 psychotherapist, therapist or medical professional acceptable to the Commission. As part of his
22 evaluation, Mr. Manning shall furnish a copy of this Order to the evaluator.

23 2. The evaluator shall submit to the Commission, a written report attesting that
24 Mr. Manning is fit to work with children and that there is a high probability Mr. Manning will not repeat
25 inappropriate physical contact with students in the future. The report will also state whether treatment
26 is recommended by the provider. Mr. Manning shall submit to the Executive Director of the
27 Commission reports of his compliance with the treatment plan if so recommended by the provider in
28 subparagraph 1, above. Mr. Manning shall provide these reports every six (6) months during his

1 probation, on or before: February 4, 2007; August 4, 2007; February 4, 2008; August 4, 2008;
2 February 4, 2009; and August 4, 2009.

3 3. Mr. Manning shall comply with all Standards for Competent and Ethical Performance under
4 Oregon Administrative Rules, Chapter 584, Division 020.

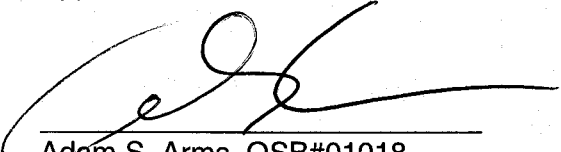
5 If Mr. Manning does not comply with his treatment plan based on the reports of his treatment
6 provider or as otherwise determined by the Executive Director he shall be in violation of the terms of
7 this probation. Violation of the terms of this probation may constitute an independent basis for the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

10 Issued and dated this 4 day of August, 2006

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

13
14 By 
Victoria Chamberlain, Executive Director

16 Approved as to form:

17
18 
19 Adam S. Arms, OSB#01018
20 Attorney for Terry Francis Manning

[062006]