

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

3
4 In the Matter of the)
5 Teaching License of)
6 KURT ALAN GUSTAFSON)
7)
8

STIPULATION OF FACTS,
ORDER OF REPRIMAND
AND PROBATION

9 On or about June 23, 2000, the Teacher Standards and Practices Commission
10 (Commission) received a report from Tim Carman, Superintendent, Albany Public
11 Schools indicating that Kurt Gustafson had been suspended for 10 days and issued a
12 disciplinary letter for inappropriately touching a student and promoting his religious
13 beliefs in school.

14 Mr. Gustafson fully cooperated with the Commission's investigation and did not
15 contest the allegations. After review of the matters alleged, Mr. Gustafson and the
16 Commission agree that their respective interests, together with the public interest, are
17 best served by a stipulation to certain facts and the imposition of a Public Reprimand,
18 followed by a period of probation of two (2) years. This Order sets forth the facts upon
19 which the parties have agreed and the sanction to be imposed. In entering into this
20 stipulation, Mr. Gustafson waives the right to a hearing to contest the finding of fact,
21 conclusion of law and order set forth below. Mr. Gustafson understands that the
22 probation will be subject to specific conditions.

23 **STIPULATION OF FACTS**

24 1. Mr. Gustafson holds a Basic Oregon Teaching License with a Basic
25 Elementary Endorsement. He has been employed by the Albany School District as an

1 elementary teacher since 1980. Mr. Gustafson is currently teaching at the middle
2 school level.

3 2. Although he was warned in the fall of 1999 about potential negative
4 consequences of kissing a certain student (on the forehead) on her birthday, on June 9,
5 2000, Mr. Gustafson placed his hand on the student's back causing her to feel
6 uncomfortable. A parent reported the incident to law enforcement. The Albany Police
7 Department investigated the incident and failed to substantiate any criminal activity.

8 3. On January 22, 1999, Gustafson was directed by the District not to wear a
9 large cross or any other symbol reflecting his religious beliefs on the outside of his
10 clothing. During a visit to Calapooia Middle School on April 7, 2000, while supervising
11 his 5th grade class, Mr. Gustafson displayed a large cross he was wearing around his
12 neck to a student.

13 4. Despite previous warnings from the District, to separate his conduct as a
14 teacher from his religious beliefs and to cease sharing of those beliefs with students on
15 April 7, 2000, Gustafson told students to email him to get information on a "really cool
16 website." The web site contained religious material.

17 5. On June 9, 2000, Mr. Gustafson involved students in sending a religious
18 email message to Ron Heagy, a speaker at a school assembly, during school time
19 using District equipment in his classroom.

20 6. On June 23, 2000, the Greater Albany School District issued a letter of
21 discipline to Mr. Gustafson for failure to follow district policy and directed him not to use
22 his position as a public school teacher to advocate any religious beliefs or activities.

1 7. The letter of June 23, 2000, also directed Mr. Gustafson not to touch students,
2 other than a handshake, except where it would be necessary to prevent imminent harm
3 to students or staff, including himself.

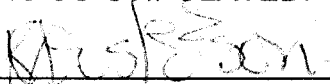
4 8. Mr. Gustafson accepts responsibility for his behavior and acknowledges his
5 behavior was inappropriate.

6 **CONCLUSION OF LAW**


7 Mr. Gustafson failed to demonstrate a commitment to use professional
8 judgement when he kissed a female student on the forehead and on a separate
9 occasion placed his hand on her back in violation of OAR 584-020-0010(5). In refusing
10 to follow District policy and ORS 342.650 regarding the wearing of religious garb, and
11 by promoting his religious beliefs, Mr. Gustafson failed to fulfill his obligation to the
12 district and the profession as per OAR 584-020-0035(a) and OAR 584-020-0025(2)(e).

13 This stipulation is contingent upon approval and adoption of the Order by the
14 Commission. If the Commission does not adopt this Order, neither Mr. Gustafson nor
15 the Commission are bound by these Stipulations and Mr. Gustafson retains all rights to
16 a hearing on the allegations.

17 IT IS SO STIPULATED:

18 
19 Kurt Gustafson

12/21/00
Date

20 
21 David V. Myton Executive Director
22 Teacher Standards and Practices Commission
23

12/8/00
Date

24 **ORDER**

25 The Commission imposes a Public Reprimand on Mr. Gustafson. This
26 Stipulation of Facts, Order and Probation constitutes the Reprimand. Furthermore, the

1 Commission imposes a two (2) year probation upon Mr. Gustafson subject to the
2 following conditions:

3 1. Mr. Gustafson shall comply with all Greater Albany School District policies
4 and administrative directives pertaining to expression of religious beliefs and
5 appropriate physical contact with students.

6 2. Mr. Gustafson shall comply with all Standards for Competent and Ethical
7 Performance under Chapter OAR 584, Division 020.

8 3. Mr. Gustafson shall provide information as requested by the Commission to
9 verify that he has complied with the conditions of probation, including a statement from
10 his employing district that he has complied with the Standards for Competent and
11 Ethical Performance under Chapter OAR 584, Division 020.

12 4. Violation of the terms of this probation may constitute an independent basis
13 for the Commission to impose discipline, up to and including revocation of Mr.
14 Gustafson's teaching license subject Mr. Gustafson's right to a hearing on the issue of
15 whether he violated probation.

16 Dated this 12th day of January 2001

17 TEACHER STANDARDS AND PRACTICES COMMISSION

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By: 
David V. Myton, Executive Director

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22 Approved as to form:

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Ralph Wiser, OSB #81423
Attorney for Kurt Gustafson