

STIPULATION OF FACTS

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2 Mr. Tate and the Commission stipulate to the following facts and that there is
3 substantial evidence in the record to support these facts:

4 1. The Commission issued Mr. Tate's current Standard Teaching License on
5 August 21, 2000, valid until September 26, 2005, with a Standard Advanced
6 Mathematics Endorsement.

7 2. Mr. Tate began his employment with Three Rivers School District in August of
8 1992. Mr. Tate served as a math teacher and a coach until his resignation effective the
9 end of the 2001-2002 school year.

10 3. Mr. Tate became involved in an overly personal relationship with a female
11 student he coached during the 2000-2001 school year. During that period, Mr. Tate
12 sent the student email messages that were excessively personal and went beyond
13 subjects appropriate to a teacher-student relationship. He also engaged in frequent
14 telephone conversations with the student for personal and non-professional reasons.

15 4. Mr. Tate was investigated by the Josephine County Sheriff's office as a result
16 of his contact with this student in June of 2001. At that time, the student and Mr. Tate
17 denied the allegations. No criminal charges were filed as a result of the investigation.
18 However, the Josephine County Child Abuse team indicated that Mr. Tate's, "...contact
19 with the female student was excessive and beyond the realm of a teacher or coach's
20 usual contact."

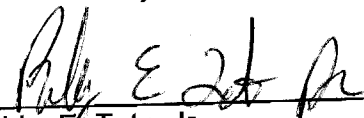
21 5. Three Rivers School District reprimanded Mr. Tate for failing to maintain a
22 professional student-teacher relationship with the female student by letter dated June
23 19, 2001. The Reprimand directed Mr. Tate to: maintain professional boundaries with
24 students; not to discuss his personal life with students; keep his classroom door open

1 when talking with a student; and directed to inform his building principal and refer to a
2 counselor any student who may have a 'crush' or emotional attachment.

3 6. During the spring of 2002, Mr. Tate violated the district's directive by
4 continuing to have personal contacts with the student away from the school for non-
5 educational purposes.


6 7. During the school day on March 15, 2002, Mr. Tate reported to the district that
7 he was sick and left work. In fact he was not sick, and school district officials were
8 unable to reach him for the remainder of the day.

9 8. On April 19, 2002, Three Rivers School District issued a Finding of Fact and
10 Recommendation for Dismissal indicating that Mr. Tate violated the June 19, 2001
11 directive by failing to maintain a professional student-teacher relationship with the
12 female student. Thereafter, Mr. Tate resigned his teaching position, effective at the end
13 of the school year.

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15 _____
16 Robby E. Tate, Jr.

11/21/03

Date

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18 _____
19 Victoria Chamberlain, Executive Director
20 Teacher Standards and Practices Commission

12-22-03

Date

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22 **CONCLUSIONS OF LAW**

23 1. Mr. Tate failed to refrain from exploiting his professional relationship with a
24 female student for personal purposes and failed to maintain a professional
25 student-teacher relationship with a student. This conduct constitutes Gross
26 Neglect of Duty in violation of OAR 584-020-0040(o) as that rule incorporates
27 OAR 584-020-0035(1).

1 2. Mr. Tate violated school district policies and the provisions of his employment
 2 contract by taking sick leave for a period of time when he was not sick. This
 3 conduct constitutes Gross Neglect of Duty in violation of OAR 584-020-
 4 0040(c) and 584-020-0040(4)(0) as that rule incorporates OAR 584-020-
 5 0035(2)(b) and (3)(a).

6 ORDER

7 The Commission accepts the surrender of Mr. Tate's Standard Teaching License
 8 and hereby revokes said licensure issued to Robby E. Tate, Jr.

9 Under ORS 342.175(3), any person whose license has been revoked may apply
 10 to the Commission for reinstatement after one-year from the date of revocation. If Mr.
 11 Tate should apply for reinstatement at some future date, the decision would lie within
 12 the discretion of the Commissioners who consider the matter at that time. Without
 13 limiting the discretion of future Commissioners, it is expected, at a minimum, that Mr.
 14 Tate would clearly demonstrate through his actions and through evidence supplied by
 15 an expert, that he does not have a mental or physical condition that would cause him to
 16 form inappropriate relationships with students, that he has developed satisfactory
 17 insight and personal control in the area of appropriate student-teacher boundaries, and
 18 that there is a high probability he will not engage in similar misbehavior or other
 19 professional misconduct in the future.

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1 IT IS SO ORDERED this 15th day of January, 2004

2 TEACHER STANDARDS AND PRACTICES COMMISSION

3
4 By: *Victoria Chamberlain*
5 Victoria Chamberlain, Executive Director

6 Approved as to form:

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8 *John S. Bishop*
9 John S. Bishop, OSB #89022
10 Attorney for Robby E. Tate, Jr.
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