

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

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Teacher Standards &
Practices Commission

In the Matter of the) STIPULATION OF FACTS AND
Educator License of) FINAL ORDER OF SUSPENSION
DAVID ALLEN BOWER) AND PROBATION

On or about March 16, 2015, the Teacher Standards and Practices Commission (Commission) received a report from the Multnomah Education Service District (MESD) indicating that David Allen Bower (Bower) violated professional standards and local policy in part by engaging in inappropriate conversations with student inmates.

Bower fully cooperated with the Commission's investigation in this matter. After review of the matters alleged, Bower and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, the imposition of a thirty (30) day suspension of Bower's Oregon educator license and two years of probation to commence upon reinstatement of Bower's Oregon educator license.

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

By signing below, Bower acknowledges, understands, stipulates, and agrees to the following:

(i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Suspension and Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Bower nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands 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 promises or representation has been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with regard to his rights thereto, or waives any and all rights to consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

STIPULATION OF FACTS

- 1) The Commission has licensed Bower since May 12, 2000. Bower holds an Initial II Teaching License with endorsements in Language Arts (HS, ML), Multiple Subjects (MIDLVL), and Special Education (ML/HS), valid from April 10, 2014, through April 9, 2017. During all relevant times, Bower was employed by the Multnomah Education Service District (MESD), contracting with the Yamhill County Juvenile Detention facility.
- 2) On March 16, 2015, the Commission received a report from the MESD alleging that Bower had violated professional standards. Investigation determined that on February 11 and 12, 2015, Bower engaged in improper conduct, including:
 - a) Engaging in inappropriate conversations with student inmates that included sexual innuendo in an attempt to be seen as a "cool" teacher.
 - b) Bower shared and/or allowed to be shared confidential information regarding student inmates, including criminal history information and backgrounds while attempting to get to know them by asking personal questions in a group setting.
 - c) Bower encouraged and/or allowed student inmates to harass a female educational assistant (ES) by encouraging or failing to prevent bullying behaviors, sexist comments, and jokes about

her possible sexual orientation directed at ES, because of his failure to properly address his own frustrations with ES directly.

d) In reviewing audio and video coverage of Bower's behavior, juvenile detention managers determined that Bower's conduct created an intimidating, hostile, and offensive environment. They further determined that Bower's conduct constituted a safety issue, created an unsafe work environment, and placed educational assistant ES in an unsafe position to interact with inmate students.

e) On February 18, 2015, Bower was placed on administrative leave, and Bower later resigned in lieu of termination.

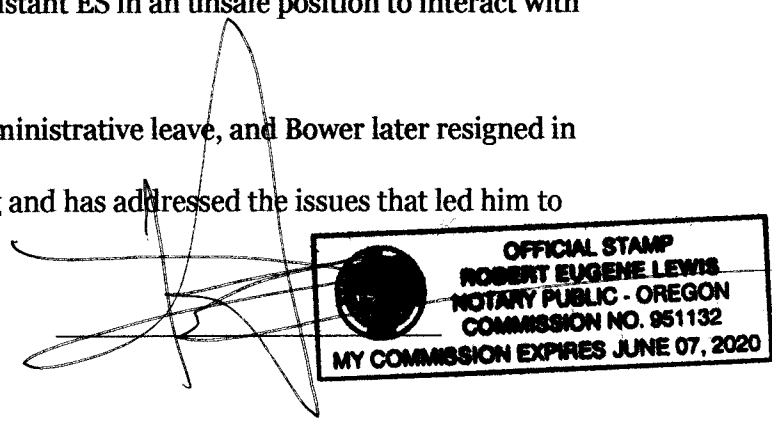
f) Bower immediately sought voluntary counseling and has addressed the issues that led him to engage in the behaviors identified herein.

IT IS SO STIPULATED:

David A. Bower 7-27-16

David Allen Bower Date
Monica Beane 8-1-16

Monica Beane, Executive Director Date
Teacher Standards and Practices Commission



CONCLUSIONS OF LAW

The above described conduct that David Allen Bower engaged in constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR (4)(n) as it incorporates OAR

(1) (*Recognize the worth and dignity of all persons and respect for each individual*), OAR (5) (*Use professional judgment*), OAR (2)(b) (*Skill in communicating with administrators, students, staff, parents, and other patrons*); and OAR (4)(o) as it incorporates, OAR (1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and conversations at all times*).

The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

ORDER

The Commission hereby adopts and incorporates herein the above stipulation of facts, conclusions of law, and based thereon hereby imposes a thirty (30) day suspension upon Bower's Oregon educator license as follows:

David Allen Bower's Educator License is hereby suspended for thirty (30) days following the adoption of this order.

Furthermore, the Commission imposes two (2) years of probation upon Bower to commence upon reinstatement of his license and subject to the following terms and conditions of probation:

1. Bower shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.
2. Bower will continue to participate in any ongoing counseling / therapy as recommended by his current provider. Within sixty (60) days of the signing of this order, Bower will provide the Commission a letter from his provider detailing any such recommendation. Upon the completion of Bower's probation period, Bower will include a summary of his treatment participation in his request for termination of his probation.

Violation of any term or condition of probation shall constitute an independent basis for the Commission to revoke Bower's educator license or otherwise impose discipline, after first providing Bower with notice and opportunity for hearing.

IT IS SO ORDERED this 19th day of August, 2016.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: Monica Beane

Monica Beane, Executive Director

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Suspension and Probation, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail — Return Receipt Requested, addressed to:

David Allen Bower
413 Quail Dr.
Newberg, OR 97132-9150

DATED this 22nd day of August, 2016.

By: Patty Sheldon
Patty Sheldon
Investigative Assistant

Certificate of Mailing – David Allen Bower

Data Classification Level: 1 - Published
DO: Sheldon