

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) REPRIMAND AND
5 DAVID ALLEN KROMER) ORDER
6)

7 On or about November 21, 1997, the Teacher Standards and
8 Practices Commission (Commission) issued a Notice of Opportunity
9 for Hearing to David Allen Kromer (Kromer) in which the
10 Commission proposed to suspend or revoke his Oregon Teaching
11 License or to impose other discipline under ORS 342.177.

12 The Commission and Kromer have now reviewed the matters
13 alleged and have agreed to the following stipulation. In
14 entering this stipulation Kromer waives his right to a hearing.
15 This agreement sets forth the facts Kromer will not contest,
16 including the Commission Order of a public reprimand.

17
18 STIPULATION OF FACTS

- 19 1. Kromer holds a Standard Teaching License endorsed for
20 Handicapped Learner valid until May 22, 1999.
21 2. Kromer was employed as an elementary teacher by Silver
22 Falls School District, commencing on or about September 12,
23 1996.
24 3. On or about September 27, 1996, Kromer made a comment which
25 offended an adult female assistant under his supervision.
26 Kromer admitted the comment and apologized. The apology
was accepted and no further incidents occurred.

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- 1 4. In response to the September incident, the district issued
2 a letter to Kromer on October 8, 1996 stating in part that
3 "* * * any further negative interaction with staff or
4 students like the incident of September 27, 1996, will
5 result in significant disciplinary action * * * up to and
6 including possible dismissal."
7
- 8 5. In early February 1997, the district began an investigation
9 into possible misconduct by Kromer toward a student. It
10 had been reported that Kromer was using reactive and
11 intimidating communications with a student. The district
12 concluded that Kromer had raised his voice to students,
13 pointed his finger and shook it at students.
14
- 15 6. In the course of investigating the student complaint,
16 Kromer's female adult assistants were interviewed and
17 concerns about Kromer's interactions with them was
18 expressed.
19
- 20 7. The district concluded that Kromer interactions with staff
21 had impaired the development of professional relationships
22 with his instructional assistants.
23
- 24 8. Kromer denied many of the factual allegations and asserted
25 that the perceptions of the instructional assistants were
26 unwarranted. Kromer also expressed his concern that the
allegations were not made by the educational assistants
until after he was directed to discuss a possible reduction
in staffing levels with them.
9. On February 19, 1997, district administrators recommended
to the superintendent that Kromer be dismissed from his
probationary position.
10. As a result of a settlement agreement Kromer resigned his
employment with the district on March 1, 1997, with an
effective date of June 15, 1997.

20 Kromer enters into this Stipulation of Facts with knowledge
21 that the Teacher Standards and Practices Commission will issue a
22 public reprimand. While Kromer denies that he engaged in any
23 misconduct which justifies disciplinary action by the Commission,
24 he wishes to bring closure to this matter. This Stipulation is
contingent upon approval and adoption of the Order by the
Commission. If the commission does not adopt this Order, neither
Kromer nor the Commission are bound by these stipulations and
Kromer retains all rights to a hearing on the allegations.

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1 IT IS SO STIPULATED

2
3 David Allen Kromer

Date

6/23/98

4
5 David V. Myton
6 David V. Myton, Executive Director Date
7 Teacher Standards and Practices Commission

7/31/98

8 CONCLUSIONS OF LAW

9 Under ORS 342.175 Kromer violated OAR 584-020-010(5) when
10 he had interactions with staff that caused them anxiety and
11 impeded the development of effective working relationships with
12 his assistants. Kromer's conduct did not constitute sexual
13 harassment.

14 ORDER

15 The Commission adopts the above findings of fact and
16 reprimands Kromer for his failure to use professional judgment in
17 his interactions with staff.

18 DATED this 31 day of July 1998.

19 TEACHERS STANDARDS AND PRACTICES COMMISSION

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

22 Approved as to form:

23 Margaret S. Olney
24 Margaret S. Olney
25 Attorney for David Allen Kromer

7/22/98
Date

26 Gary Cordy
27 Gary Cordy
28 Assistant Attorney General

July 31 1998
Date

tjh/GMC/JGG12008