

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

In the Matter of the Educator)	DEFAULT ORDER OF
License of)	REVOCAION OF RIGHT TO APPLY
DALE ARNOLD BUCKENDAHL)	FOR AN EDUCATOR LICENSE

On May 23, 2013, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Dale Arnold Buckendahl (Buckendahl) in which the Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7011 2000 0001 1282 3534 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified Mail receipt was returned to the Commission "signed" on May 24, 2013. The first class mail was not returned to the Commission. The Notice of Opportunity of Hearing, dated May 23, 2013, and signed by Victoria Chamberlain, Executive Director, stated:

"IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."

On June 26, 2013, Buckendahl requested a hearing. A hearing was scheduled for March 18 and 19, 2014. On March 5, 2014, the Commission received a letter from Buckendahl's attorney advising that Buckendahl was withdrawing his request for a hearing. The Commission, therefore, finds Buckendahl to be in default and enters the following findings of fact, conclusions of law, and final order, based on the files and records of the Commission concerning this matter.

FINDINGS OF FACT

1. The Commission has licensed Buckendahl since August 26, 1998. Buckendahl held a Basic Teaching License with an endorsement in Basic Elementary (016), issued June 23, 2009, which expired on June 22, 2012. During all relevant times, Buckendahl was employed by the Beaverton School District as a substitute teacher.

2. On August 8, 2003, the Commission adopted a Stipulation of Facts and Order of Suspension and Probation upon Buckendahl's licensure. The facts supporting the suspension of Buckendahl's license in 2003 included the following conduct on the part of Buckendahl:

- a. Inappropriate email correspondence with students.
- b. Giving gifts to students.
- c. Sending students cards and personal notes.
- d. Inappropriate physical contact with students.
- e. Attempting to access sexually explicit materials through the school district's internet connection.

As a result, Buckendahl's license was suspended for thirty days, Buckendahl was required to submit to a psychological evaluation, complete boundaries and sexual harassment training and placed on probation for a period of four years.

3. On July 26, 2011, the Commission received information from the Portland Police Bureau indicating Buckendahl may have committed acts which constitute gross neglect of duty. In February 2011, Portland Police received a complaint from one of Buckendahl's former students, YM. YM told investigators that on or about April through May 2008, while she was a student in third grade, Buckendahl had sexually touched her while Buckendahl was her substitute teacher at Alder Elementary School.
4. On several separate occasions between April to May 2008, Buckendahl reached under a table and touched YM's vagina. Buckendahl reached under her skirt, pushed aside her shorts and underwear, and touched YM's bare vagina. Buckendahl attempted to insert his finger into her vagina but YM was able to reposition herself to prevent this.
5. Buckendahl paid extra attention to a group of five Hispanic girls (including YM). Buckendahl would compliment them, hug them, and rub these student's shoulders. Buckendahl did not refer to YM by her name, but Buckendahl called her "Bonita" meaning "Pretty" in Spanish. Buckendahl would ask YM to stay after class or during recess, but she refused because she was afraid to be alone with him.

CONCLUSIONS OF LAW

Dale Arnold Buckendahl engaged in unprofessional conduct as described above. This

conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(o) as is incorporates OAR 584-020-0035(1)(b) (*Refrain from exploiting professional relationships with any student for personal gain, or in support of persons or issues*), OAR 584-020-0035(1)(c)(A) (*Not demonstrating or expressing professionally inappropriate interest in a student's personal life*), OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and conversation at all times*); and OAR 584-020-0040(4)(f) (*Any sexual conduct with a student*). The Commission may rely on the definitions of sexual conduct in ORS 339.370(9) and OAR 584-020-0005(5).

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

FINAL ORDER

The Commission hereby revokes Dale Arnold Buckendahl's Right to Apply for an Educator License.

IT IS SO ORDERED THIS 27th day of March, 2014.

TEACHER STANDARDS AND PRACTICES COMMISSION



By: _____
Victoria Chamberlain, Executive Director

NOTICE OF APPEAL OR RIGHTS

YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.