

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

3	In the Matter of the	)	STIPULATION OF FACTS AND
4	Educator License of	)	FINAL ORDER OF SUSPENSION
5	TOM S. WHITEFORD	)	AND PROBATION

6            On or about December 30, 2015, the Teacher Standards and Practices Commission  
7 (Commission) received a report from the Oregon City School district alleging that Tom S. Whiteford  
8 (Whiteford) had violated Professional Standards and Practices.

9            After review of the matters alleged, Whiteford and the Commission agree that their respective  
10 interests, together with the public interest, are best served by a stipulation to certain facts, the  
11 imposition of a sixty (60) day suspension of Whiteford's Oregon educator license, and a two (2) year  
12 period of probation to commence upon reinstatement of Whiteford's Oregon educator license.

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

16            By signing below, Whiteford acknowledges, understands, stipulates, and agrees to the  
17 following: (i) he has been fully advised of his rights to notice and a hearing to contest the findings of  
18 fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any  
19 rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Suspension and  
20 Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and  
21 disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is  
22 contingent upon and subject to approval and adoption by the Commission. If the Commission does  
23 not approve and adopt this Stipulation and Final Order, then neither Whiteford nor the Commission  
24 are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands  
25 it completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final  
26 Order and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no  
27 promises or representation has been made to induce him to sign this Stipulation and Final Order; and  
28 (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully

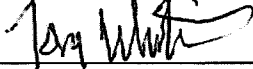
1 advised with regard to his rights thereto, or waives any and all rights to consult with an attorney prior  
2 to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order  
3 below.

4 **STIPULATION OF FACTS**

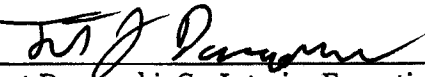
- 5 1) Whiteford has been licensed as an Educator in Oregon since April 16, 1992. Whiteford holds a  
6 Professional Teaching License, with an endorsement in Elementary – Multiple Subjects (PK-12),  
7 valid from November 26, 2016, through November 25, 2021. During all relevant times, Whiteford  
8 was employed by the Oregon City School District.
- 9 2) On December 30, 2015, the Commission received information from the Oregon City School district  
10 indicating Whiteford may have committed acts which constitute gross neglect of duty. The district  
11 reported Whiteford failed to adhere to a February 17, 2015, Letter of Reprimand and last chance  
12 type agreement related to an incident that occurred on or about February 6, 2015, in which  
13 Whiteford was found to have been under the influence of alcohol on school grounds.
- 14 3) Investigation determined that on February 6, 2015, school officials were notified by staff that  
15 Whiteford appeared intoxicated in the classroom. Whiteford was confronted about the allegation  
16 and agreed to take a breath test. Whiteford submitted two breath samples at a local clinic, and  
17 both tests indicated Whiteford was under the influence of alcohol. School officials issued  
18 Whiteford a written reprimand and placed him on an agreement to complete related alcohol  
19 treatment. On December 2, 2015, a school official observed Whiteford exhibiting signs of  
20 intoxication on school grounds. Officials requested and Whiteford agreed to be tested for alcohol.  
21 Whiteford participated in two test samples, one at 11:44 AM with a test results of .089 BAC and  
22 the second test at 12:02 PM with a test results of .085 BAC. Both test results indicated Whiteford  
23 was under the influence of alcohol and over the presumptive legal limit by Oregon law as related to  
24 driving under the influence (.08 BAC).
- 25 4) The Oregon City School District advised Whiteford they would be seeking his termination based  
26 on the findings that Whiteford was under the influence of alcohol on school property, a violation of

1 local policy, and because of Whiteford's failure to comply with the last chance agreement. On  
2 December 8, 2015, Whiteford submitted his resignation in lieu of termination.

3 IT IS SO STIPULATED:

4   
5 \_\_\_\_\_  
6 Tom S. Whiteford

10/3/17  
\_\_\_\_\_  
Date

6   
7 \_\_\_\_\_  
8 Trent Danowski, Co-Interim Executive Director  
Teacher Standards and Practices Commission

11/4/18  
\_\_\_\_\_  
Date

9  
10 **CONCLUSIONS OF LAW**

11 Tom S. Whiteford's conduct described above constitutes gross neglect of duty in violation of  
12 ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*  
13 *professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and*  
14 *regulations*); and OAR 584-020-0040(4)(g) (*Appearing on duty or at any district-sponsored activity*  
15 *while under the influence of alcohol or any controlled substance*).

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

17 **ORDER**

18 The Commission hereby adopts and incorporates herein the above stipulation of facts,  
19 conclusions of law, and based thereon hereby imposes a sixty (60) day suspension upon Whiteford's  
20 Oregon educator license as follows:

21 Tom S. Whiteford's Oregon educator license is hereby suspended for sixty (60) days following  
22 the adoption of this order.

23 Furthermore, the Commission imposes a two (2) year period of probation upon Whiteford to  
24 commence upon reinstatement of his Oregon educator license and subject to the following terms and  
25 conditions of probation:

- 26 1. Whiteford shall comply with the Standards for Competent and Ethical Performance of  
27 Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

- 1           2. Whiteford has provided a favorable evaluation / treatment report (Alcohol treatment  
2           program completed March 9, 2016) from an approved provider, meeting commission  
3           standards for such.
- 4           3. Whiteford will continue any recommended counseling or treatment related to his  
5           alcohol treatment plan.
- 6           4. Whitford's suspension shall be considered effective starting November 3, 2017, and as  
7           of the execution of this order, considered completed in full (60 days) as approved by  
8           the Commission at the January 19, 2018, Commission meeting.

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

12  
13           IT IS SO ORDERED this 19 day of January, 2018.

14           TEACHER STANDARDS AND PRACTICES COMMISSION

15  
16           By:   
17

Dr. Anthony Rosilez, Executive Director

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:

Tom S. Whiteford  
18029 Chikaree DR  
Oregon City, OR 97045

DATED this 29<sup>th</sup> day of January, 2018.

By: Patty Sheldon  
Patty Sheldon  
Investigative Assistant

Certificate of Mailing – Tom S. Whiteford

Data Classification Level: 2 – Limited  
DO: Sheldon