BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2	OF THE STATE OF OREGON
2	OF THE STATE OF OKEGON

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3 4	In the Matter of the Educator License of)	STIPULATION OF FACTS AND FINAL ORDER OF SUSPENSION
4	Educator License of	,	
5	DONALD LEE BURKHART)	AND PROBATION

On or about July 10, 2014, the Teacher Standards and Practices Commission (Commission) received a report from the Superintendent of the Salem-Keizer School District indicating that Ronald Lee Burkhart (Burkhart) violated professional standards and local policy by failing to report for duty and misuse of sick time.

Burkhart fully cooperated with the Commission's investigation in this matter. After review of the matters alleged, Burkhart 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 Burkhart's Oregon educator license and four years of probation to commence upon reinstatement of Burkhart's Oregon educator license.

This document sets forth the facts upon which the parties have agreed and the stipulated sanction to be imposed. Burkhart 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, Burkhart 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 Burkhart 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 Page 1 STIPULATION OF FACTS AND FINAL ORDER OF SUSPENSION AND PROBATION- RONALD LEE

promises or representation has been made to induce him to sign this Stipulation and Final Order; and 1 (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully 2 advised with regard to his rights thereto, or waives any and all rights to consult with an attorney prior 3 to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order 4 5 below. STIPULATION OF FACTS 6 The Commission has licensed Burkhart since September 23, 1992. Burkhart holds a Basic 7 Teaching License with an endorsement in Basic Language Arts (027), valid from June 18, 2013, 8 through June 17, 2016. During all relevant times, Burkhart was employed by the Salem-Keizer 9 10 School District. 2) Investigation determined that on or about October 9, 2013, Burkhart was directed by district 11 officials not to use any paid leave to travel to, or engage in, work for other employment. 12 Furthermore, Burkhart was directed to report to his physical work location each work day and 13 reminded that he was not approved to take any paid leave to umpire college softball. Records 14 indicate that on May 22, 2014, and May 23, 2014, Burkhart used sick time (paid leave) to travel to 15 and perform the services of umpiring a college softball game. On June 9, 2014, the Salem-Keizer 16 School District issued Burkhart a "Letter of Reprimand" for misuse of sick time and 17 insubordination. The letter of reprimand reiterated the aforementioned requirements and 18 19 conditions. 3) On or about February 6, 2015, and February 27, 2015, Burkhart umpired college softball games out 20 of state. School district records indicate that Burkhart called in sick on both those dates, in direct 21 violation of district directives, policy and the June 9, 2014, reprimand. As a result, Burkhart 22 elected to resign his full time employment with Salem-Keizer, and instead began to provide them 23 24 substitute teaching services. 25 111 26 111 27 111 28 /// Page 2 STIPULATION OF FACTS AND FINAL ORDER OF SUSPENSION AND PROBATION-RONALD LEE

BURKHART

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2	IT IS SO STIPULATED:			
3	Ruld Low Bune	4/5/2016		
4	Ronald Lee Burkhart	$\frac{4/5/2016}{\text{Date}}$		
5 6 7	Victoria Chamberlain, Executive Director Teacher Standards and Practices Commission	Date		
8	CONCLUSIONS OF LAW			
9	The above described conduct that Ronald Lee Burkhart engaged in constitutes gross neglect of			
10	duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-			
11	0010(5) (Use professional judgment), OAR 584-020-0025(2)(e) (Using district lawful and			
12	reasonable rules and regulations); OAR 584-020-0040(4)(b) (Substantial unauthorized use of			
13	employment time or school resources for private purposes); and OAR 584-020-0040(4)(c)			
14	(Falsification of any document or knowing misrepresentation directly related to licensure,			
15	employment, or professional duties).			
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 thirty (30) day suspension upon Burkhart's			
20	Oregon educator license as follows:			
21	Ronald Lee Burkhart's Educator License is hereby suspended for thirty (30) days following the			
22	adoption of this order.			
23	Furthermore, the Commission imposes four (4) years of probation upon Burkhart to			
24	commence upon reinstatement of his license and subject to the following terms and conditions of			
25	probation:			
26		ds for Competent and Ethical Performance of		
27	Oregon Educators under Oregon Admin	istrative Rules Chapter 584, Division 020.		
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1	Violation of any term or condition of probation shall constitute an independent basis for the
2	Commission to revoke Burkhart's educator license or otherwise impose discipline, after first providing
3	Burkhart with notice and opportunity for hearing.
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5	anom O
6	IT IS SO ORDERED this 20 day of June, 20 6.
7	TEACHER STANDARDS AND PRACTICES COMMISSION
8	The Mills
9	By: Willodg (Nanwellain)
10	Victoria Chamberlain, Executive Director