

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

3 In the Matter of the) STIPULATION OF FACTS,
4 Educator License of:) FINAL ORDER OF SUSPENSION
5 WEBSTER V. CASTANEDA) AND PROBATION
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8 On or about January 2, 2015, the Teacher Standards and Practices Commission
9 (Commission) received a report of possible misconduct from the Hermiston School District.

10 After review of the matters alleged, Castaneda and the Commission agree that their
11 respective interests, together with the public interest, are best served by a stipulation to certain
12 facts and suspension of his Oregon educator license followed by a period of probation and
13 fulfillment of specific probation requirements.

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

18 By signing below, Castaneda acknowledges, understands, stipulates, and agrees to the
19 following: (i) he has been fully advised of his rights to notice and a hearing to contest the
20 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all
21 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final
22 Order of Suspension and Probation (Stipulation and Final Order); (ii) this Stipulation and Final
23 Order is a public document and disclosed to the public upon request by the Commission; (iii)
24 this Stipulation and Final Order is contingent upon and subject to approval and adoption by the
25 Commission. If the Commission does not approve and adopt this Stipulation and Final Order,
26 then neither Castaneda nor the Commission are bound by the terms herein; (iv) he has fully
27 read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without
28 any force or duress, enters into this Stipulation and Final Order and consents to issuance and

1 entry of the Stipulated Final Order below; (vi) he states that no promises or representation has
2 been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted
3 with an attorney regarding this Stipulation and Final Order and has been fully advised with
4 regard to his rights thereto, or waives any and all rights to consult with an attorney prior to
5 entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final
6 Order below. This Order sets forth the facts upon which the parties have agreed and the
7 sanction to be imposed. In entering into this stipulation, Castaneda waives the right to a
8 hearing to contest the findings of fact, conclusions of law and order set forth below.

9 **STIPULATION OF FACTS**

- 10 1) The Commission has licensed Castaneda since August 27, 1999. He currently holds an Initial II
11 Teaching License with endorsements in Spanish (ELE, ML, HS), Middle School Social Studies (ML),
12 and Multiple Subjects (MIDLVL); valid from April 6, 2012, through May 4, 2015. Castaneda made
13 timely application for renewal, and the expiration of his license has been stayed pending the
14 outcome of this investigation. During all relevant times, Castaneda was employed by the Hermiston
15 School District.
- 16 2) On January 2, 2015, the Commission received a report of possible misconduct from the Hermiston
17 School District. Commission investigation determined that on or about December 5, 2014, while
18 coaching a boy's middle school basketball practice, Castaneda physically grabbed student ST, with
19 one hand on his upper chest area and the other on his back / shoulder area and took him to the
20 court floor and sat him down. ST sat on the court floor and began to cry. Reportedly embarrassed
21 and scared, ST attempted to leave the basketball court when Castaneda followed him, grabbing
22 ahold of his backpack in what appeared to be an attempt to make ST stay. ST complied with
23 Castaneda's direction and sat on the bench, leaving soon after to locate his mother outside the gym.
24 Video recordings of the incident were preserved and collected. On February 10, 2015, Castaneda was
25 criminally charged with Strangulation (Class A misdemeanor), and Harassment (Class B

1 misdemeanor). On August 19, 2015, these charges were dismissed pursuant to a civil compromise
2 agreement between Castaneda and the parents of ST.
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4 IT IS SO STIPULATED:

5 Webster V. Castaneda

6 Webster V. Castaneda

10-3-2016

Date

7 Monica Beane

8 Dr. Monica Beane, Executive Director

9 Teacher Standards and Practices Commission

10-20-2016

Date

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11 **CONCLUSION OF LAW**

12 Webster Vides Castaneda's conduct as described above constitutes gross neglect of duty in
13 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
14 0010(1) (*Recognize the worth and dignity of all persons and respect for each individual*), OAR
15 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful*
16 *and reasonable rules and regulations*), OAR 584-020-0030(2)(b) (*Skill in communicating with*
17 *administrators, students, staff, parents, and other patrons*); OAR 584-020-0040(4)(o) as is
18 incorporates OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with*
19 *students in conduct and conversation at all times*); and OAR 584-020-0040(4)(d)
20 (*Unreasonable physical force against students, fellow employees, or visitors to the school,*
21 *except as permitted under ORS 339.250*).

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

23 342.175.

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1 **ORDER**

2 The Commission hereby adopts and incorporates herein the above stipulation of facts,
3 conclusions of law, and based thereon hereby imposes a six (6) month suspension upon Webster
4 V. Castaneda's Teaching License as follows:

- 5 1) Webster V. Castaneda's Initial II Teaching License is hereby suspended for six (6) months
6 following the adoption of this order. Castaneda must apply and qualify for reinstatement of
7 the license as provided under the Commission's rules.
- 8 2) Prior to reinstatement, Castaneda must submit proof he has successfully completed
9 Commission-approved anger management training.
- 10 3) Furthermore, the Commission imposes a two (2) year probation period upon Castaneda to
11 commence upon reinstatement of his license and subject to the following terms and
12 conditions of probation:
- 13 a) Castaneda shall comply with the Standards for Competent and Ethical Performance of
14 Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.
- 15 b) Violation of any term or condition of probation shall constitute an independent basis for
16 the Commission to revoke Castaneda's teaching license or otherwise impose discipline,
17 after first providing Castaneda with notice and opportunity for hearing.

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19 IT IS SO ORDERED this 8th day of November, 2016.

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21 **TEACHER STANDARDS AND PRACTICES COMMISSION**

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23 By: Monica Beane
24 Dr. Monica Beane, Executive Director