

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

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| In the Matter of the |) | |
| Teaching License of |) | DEFAULT ORDER |
| BRADLEY JAY POTTER |) | REVOKING RIGHT TO REINSTATE |
| |) | TEACHING LICENSE |

On or about May 12, 1997, the Teacher Standards and Practices Commission received a report from Jim Moska, Superintendent of Jefferson School District, indicating that Bradley Jay Potter, a teacher in the district had resigned in lieu of dismissal for sexual contact with a student based on his overly personal remarks to a female high school student. The Executive Director took action to notify Mr. Potter of intent to revoke his right to reinstate his Oregon Teaching license, and to inform him of his opportunity for hearing. The notice, dated January 27, 1998, and signed by David V. Myton, Executive Director, stated:

"You, Bradley Jay Potter , are entitled to a hearing on the proposed action of the Commission. If you want a hearing, you must file a written request for a hearing with the Commission within 21 days of the date of this notice. "

The notice of opportunity for hearing was sent by U.S. Certified Mail, Return Receipt Requested #P 196 850 442 was signed by Potter on January 29, 1999 and received by TSPC on January 30, 1998. Mr. Potter did not request a hearing.

FINDINGS OF FACT

1. Bradley J. Potter held an Oregon Basic Teaching License endorsed in music and valid from August 4, 1993 to March 14, 1997.
2. Potter was employed by the Jefferson School District from September 1992 to April 1997 as a music teacher at Jefferson High School.
3. Between September 1993 and March 1997, Potter violated OAR 584-020-0040(4)(f) when he indicated to NT (a female high school student) that he wanted to have sexual relations with her.
4. On or about March 18, 1997 Potter violated OAR 584-020-0040(4)(f) when he made sexually suggestive comments to AV (a student).
5. Potter violated OAR 584-020-0040(1)(l) on or about March 18, 1997 when he sexually harassed Tammi Nyquist, an employee of Jefferson School District.

ULTIMATE FINDINGS OF FACT

Bradley Jay Potter violated OAR 584-020-0040(4)(f) in his overly personal sexual comments to female students at Jefferson High School and 584-020-0040(l) when he kissed Tammi Nyquist (a female employee of Jefferson High School) and told her he wanted to have sex with her.

CONCLUSIONS OF LAW

Under ORS 342.175, the Commission is authorized to create Standards of Competent and Ethical Performance for Oregon Educators. By administrative rule the Commission has established that sexual advances and verbal or physical contact of a sexual nature directed towards a student constitutes sexual contact. Sexual contract is grounds for a finding of gross neglect duty. The commission also established that the harassment of another employee is grounds for a finding of gross neglect duty.

OPINION


Bradley J. Potter's behavior while employed by Jefferson School District indicates a lack of fitness to hold an Oregon teaching license. He received notice of the proposed action against his teaching license but did not request a hearing on the allegations.

ORDER

The Commission revokes the right of Bradley Jay Potter to reinstate his Oregon Teaching License #275564 issued August 4, 1993 to March 14, 1997,

Dated this 18th day of March, 1998.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: 
David V. Myton, Executive Director

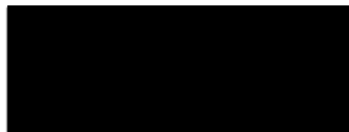
NOTICE OF APPEAL OR RIGHTS

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.

DVM/cs

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me as such by regular U.S. mail and by U.S. Certified Mail with Return Receipt Requested to:



Dated this 19th day of March, 1998.

By: 