1	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2	OF THE STATE OF OREGON
3 4 5 6 7	In the Matter of the Educator License of DAMON A. KELLER  STIPULATION OF FACTS AND FINAL ORDER OF PUBLIC REPRIMAND AND PROBATION
8	On June 21, 2018, the Teacher Standards and Practices Commission
9	(Commission) received a report from Portland Public School District (District) indicating
10	Damon A. Keller (Keller) may have committed an act of gross neglect of duty and/or
11	gross unfitness, specifically, that Keller had used unnecessary physical force with
12	students, made inappropriate comments to students, and entered the female locker room
13	on two occasions.
14	After review of the matters alleged, Keller and the Commission agree that their
15	respective interests, together with the public interest, are best served by a stipulation to
16	certain facts, the imposition of a public reprimand, and a two (2) year period of
17	probation.
18	This Order sets forth the facts upon which the parties have agreed and the
19	sanction to be imposed. Keller stipulates that there are sufficient facts contained in the
20	Commission's files and records to support the findings of fact and conclusions of law set
21	forth below. In entering into this stipulation, Keller waives the right to a hearing to
22	contest the findings of fact, conclusions of law and order set forth below.
23	By signing below, Keller acknowledges, understands, stipulates, and agrees to the
24	following: (i) he has been fully advised of his rights a hearing to contest the findings of
25	fact, conclusions of law, and order set forth below, and fully and finally waives all such
26	rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final
27	Order of Public Reprimand and Probation (Stipulation and Final Order); (ii) this
28	Stipulation and Final Order is a public document and disclosed to the public upon
29	request by the Commission; (iii) this Stipulation and Final Order is contingent upon and $$
30	subject to approval and adoption by the Commission. If the Commission does not
31	approve and adopt this Stipulation and Final Order, then neither Keller nor the
32	Commission are bound by the terms herein; (iv) he has fully read this Stipulation and
33	Final Order, and understands it completely; (v) he voluntarily, without any force or
34	duress, enters into this Stipulation and Final Order and consents to issuance and entry of
35	the Stipulated Final Order below; (vi) he states that no promise or representation has
36	been made to induce him to sign this Stipulation and Final Order; and (vii) he has

1 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 3 attorney prior to entering into this Stipulation and Final Order and issuance and entry of 4 the Stipulated Final Order below. 5 6 STIPULATION OF FACTS 7 The Commission has licensed Keller since December 30, 2013. Keller held a 8 Limited Teaching License, with an endorsement in Physical Education - Dance 9 Only (PK-12), valid from May 31, 2017, through May 30, 2020. On May 28, 2020, 10 Keller made application for renewal of his licensure, his renewal was pended until 11 the investigation process was completed. During all relevant times, Keller was 12 employed by Portland Public Schools (PPS). 13 14 2. On June 21, 2019, the Commission received a report from PPS alleging Keller 15 may have committed acts of gross neglect of duty and/or gross unfitness. 16 Specifically, that Keller had used unnecessary physical force with students, made 17 inappropriate comments to students and entered the female locker room on two 18 occasions. 19 20 3. Investigation established Keller had a pattern of poor professional judgement and 21 inappropriate interactions with students dating back to 2016 which included the 22 following incidents: 23 24 a. On January 29, 2016, Keller was involved in an incident in the school 25 gymnasium in which a student initially punched Keller in the chest. Multiple witnesses observed Keller and the student scuffling and falling to the floor. 26 27 Keller fell on top of the student, whose arm was pinned in the fall. Keller told 28 the student not to hit him again and the student said "ow" several times 29 before Keller disengaged. 30 31 b. On May 24, 2018, Keller was involved in an incident in the school gymnasium 32 in which a student challenged Keller to dunk a basketball over him. The 33 student attempted to do this and in the process, Keller was elbowed by the 34 student causing an injury to Keller's lip. Keller uttered some profanity to

himself after his lip was injured. Keller challenged the student to dunk over

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him again. Then, the student posted up, Keller stepped aside, and the student lost his footing. Keller reached out in an attempt save him from falling. In a raised voice, Keller cursed to himself and then exited the gymnasium.

c. At the end of a school day in late November 2018, Keller was monitoring students getting on busses. While Keller was speaking with a school administrator, a student approached him and attempted to get his attention. Keller made hand gestures and verbally asked the student to wait, rather than interrupting. The student ignored Keller and continued attempting to get his attention. Keller then grabbed the student's arm for several seconds. The student attempted to pull free of Keller's grip and said "ow" several times.

d. Keller admitted that on April 4, 2019, he entered the female locker room at school to notify female students they needed to go to class or be counted as tardy. Keller yelled, "Man on the floor" before entering the locker room as there was no female gym teacher who could clear the locker room before class, and this was an approved practice. Keller observed a student's feet in a bathroom stall and approached the stall. Keller said he knew the student was not using the restroom and to hurry out. The female student told staff she was dealing with hygiene concerns and changing her shoes for dance class.

e. Keller admitted that on April 5, 2019, he entered the female locker room at school to notify female students they needed to go to class or be counted as tardy. Keller yelled, "Man on the floor" before entering the locker room as there was no female gym teacher who could clear the locker room before class, and this was an approved practice. Keller observed two students' feet in bathroom stalls and approached the stalls. The students reported Keller asked a rhetorical question about the students thinking he was, "stupid". Keller then told the students to get to class. One of the students, the same student involved in the April 4, 2019, incident, told staff she was still dealing with hygiene concerns and changing her shoes for dance class. The other student told staff she was changing her shoes for dance class.

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1	IT IS SO STIPULATED:
2	3/3/2021
3 4	Damon A. Keller Date
5	TT 1 Darm. ( 03/08/2021
6 7 8	Trent Danowski, Deputy Director Teacher Standards and Practices Commission
9	administrator, a student approached him and a renepted to get his attention.
10	perferential slower resources CONCLUSION OF LAW-9 band share reflect
11	The conduct described above constitutes gross neglect of duty in violation of ORS
12	342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use
13	professional judgment), OAR 584-020-0010(1) (Recognize the worth and dignity of all
14	persons and respect for each individual), OAR 584-020-0020(2)(d) (Skill in the
15	supervision of students), OAR 584-020-0025(2)(e) (Using district lawful and reasonable
16	rules and regulations; and OAR 584-020-0040(4)(d) (Unreasonable physical force
17	against students, fellow employees, or visitors to the school, except as permitted under
18	ORS 339.250). Our redect est asola blues of wardonet unga elected on as we each
19	class, and this was an authoride. Reflex observed a tindent's fort up a
20	The Commission's authority to impose discipline in this matter is based upon
21	ORS 342.175. Not support also also all turo yrand of has mourison add taken for
22	see to sough to heards and galaguorDER research analysis of fact and
23	The Commission adopts and incorporates herein the above findings of fact and
24	conclusions of law, and based thereon, imposes a public reprimand upon Damon A.
25	Keller's Oregon educator license.
26	Furthermore, the Commission imposes a period of two (2) years of probation
27	upon Keller's licensure to commence from the date this order is signed by the
28	Commission and subject to the following condition:
29	1. Within the two-year probation period, Keller will submit proof he successfully
30	completed a TSPC approved training on student de-escalation techniques.
31	2. Within the two-year probation period, Keller will submit proof he successfully
32	and I do Compared and Ethical Performance of
33	A luministrative Pules Chapter 584 Division
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35	020.

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1	Issued and dated thisday of April, 2021.
2	TEACHER STANDARDS AND PRACTICES COMMISSION
3	STATE OF OREGON
4	
5	By
6	Dr. Anthony Rosilez, Executive Director