### BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

#### OF THE STATE OF OREGON

3	In the Matter of the	)	STIPULATION OF FACTS AND
4	Educator License of	)	FINAL ORDER OF
5	DANIEL R. SANTOS	)	PUBLIC REPRIMAND
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8 On October 22, 2019, the Teacher Standards and Practices Commission
9 (Commission) received a misconduct report from the Beaverton School District (BSD),
10 indicating possible professional misconduct on the part of licensed educator, Daniel R.
11 Santos, (Santos).

After review of the matters alleged, Santos and the Commission agree that their
respective interests, together with the public interest, are best served by a stipulation to
certain facts and the imposition of a Public Reprimand.

15 This Order sets forth the facts upon which the parties have agreed and the 16 sanction to be imposed. Santos stipulates that there are sufficient facts contained in the 17 Commission's files and records to support the findings of fact and conclusions of law set 18 forth below. In entering into this stipulation, Santos waives the right to a hearing to 19 contest the findings of fact, conclusions of law and order set forth below.

20 By signing below, Santos acknowledges, understands, stipulates, and agrees to 21 the following: (i) he has been fully advised of his rights to notice and a hearing to contest 22 the findings of fact, conclusions of law, and order set forth below, and fully and finally 23 waives all such rights and any rights to appeal or otherwise challenge this Stipulation of 24 Facts and Final Order of Public Reprimand (Stipulation and Final Order); (ii) this 25 Stipulation and Final Order is a public document and disclosed to the public upon 26 request by the Commission; (iii) this Stipulation and Final Order is contingent upon and 27 subject to approval and adoption by the Commission. If the Commission does not 28 approve and adopt this Stipulation and Final Order, then neither Santos nor the 29 Commission are bound by the terms herein; (iv) he has fully read this Stipulation and 30 Final Order, and understands it completely; (v) he voluntarily, without any force or 31 duress, enters into this Stipulation and Final Order and consents to issuance and entry of 32 the Stipulated Final Order below; (vi) he states that no promise or representation has 33 been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully 34 35 advised with regard to his rights thereto, or waives any and all rights to consult with an

attorney prior to entering into this Stipulation and Final Order and issuance and entry of
 the Stipulated Final Order below.

3		STIPULATION OF FACTS
4	1.	The Commission has licensed Santos since July 13, 2005. Santos previously held
5		a Professional Teaching License with endorsements in Legacy Middle Level (PK-
6		12), Health (PK-12), and Physical Education (PK-12). The license was issued on
7		May 22, 2015 and expired on May 21, 2020. During all relevant times, Santos
8		was employed by the Beaverton School District (BSD).
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10	2.	On October 22, 2019, TSPC received a report from the Beaverton School District
11		alleging that Santos had failed to maintain appropriate boundaries with students
12		on multiple occasions. The report stated that Santos had previously been
13		disciplined by the district for failing to maintain appropriate boundaries with
14		students. The report stated that Santos engaged in similar behavior a second
15		time, with a Beaverton High School Student (NS) who was formerly one of his
16		middle school students. The alleged behavior included texting NS the following
17		messages on or about September 9, 2019:
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19		• "Is this still (name of student)?
20		• "Your favorite coach? (when asked who was texting)
21		• "Voce ja me esqueceu?" (Portguese for "you've already forgotten me?")
22		<ul> <li>"You're not playing volleyball this year?"</li> </ul>
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24		The day after the messages were sent, on September 10, 2019, Santos saw NS at a
25		volleyball game and gave her a hug. Santos asked her if Santos had the correct
26		phone number for her, which caused the student to realize Santos was the person
27		who had texted her the messages the night before. Santos spoke to NS about
28		teaching sexual health to students, and made a comment about "only a few
29		students would know what to do with the information." The student reported she
30		was uncomfortable with the conversation and started to leave, and Santos then
31		have her another "squeeze hug" which also made her uncomfortable. As NS was
32		leaving, she reported that Santos touched her hair and said "it is so pretty."
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1		Additionally, the report mentioned the following specific incidents which the
2		school district was able to substantiate:
3		school district was able to substantiate.
4		• An Asian female student (CY) reported that Santos had placed his hand
5		on her upper thigh. Another male student who was sitting near Santos,
6		reached over and removed his hand. Santos then told the student that he
7		has an Asian wife, and stated that "people say I have yellow fever."
, 8		has an risian whe, and stated that people say I have yellow level.
9		• A female student (CT) reported that when she was in the 6 <sup>th</sup> grade, Santos
10		clasped her hand when he high-fived her. She reports that she was shaken
11		up about this and had to go to the bathroom to collect herself.
12		up about this and had to go to the bathroom to concet horson.
13		• A female student (CV) reported that Santos wrote her notes when she
14		worked as his TA. The notes were reported to say things such as "Best TA
15		ever" and "Love you sweetie." CV also reported that Santos called her
16		"mamacita" and also clasped her hand, sometimes with interlaced fingers,
17		when Santos gave her high fives.
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19		Male students interviewed by the district reported seeing Santos hug
20		female students, touch their hair, and make them uncomfortable.
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22		• A BHS parent reported seeing Santos interact with female students and
23		act "too friendly" and give them hugs and touch their hair.
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25		For these behaviors, the district issued Santos a Letter of Reprimand on May 16,
26		2019 and another Letter of Reprimand and one day suspension without pay on
27		October 15, 2019.
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29	3.	Santos interviewed with TSPC investigative staff on September 22, 2020. During
30		the interview, Santos admitted to texting NS but stated it was because they were
31		both Brazilian. Santos stated that he felt he and NS had a cultural connection.
32		Santos admitted to giving NS a side hug the next day, but denied giving frontal
33		hugs to her or any student as he "reserved those for family." Santos didn't recall
34		touching NS's hair, but stated that it was possible that he had told her that her
35		hair looked nice. Santos reported that he remembered leaving a note for former

TA, (student CV) and said that the two joked about her being the best TA and him being the best PE teacher. Santos denied leaving her a note that said "love you sweetie." Santos denied ever placing his hand on a student's thigh, but admitted to using the expression "yellow fever" around students but "didn't mean it in a negative way." Santos denied having romantic feelings for NS or any other student, and stated that his actions were a "very bad" mistake.

9 IT IS SO STIPULATED:

Daniel R. Santos

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**Teacher Standards and Practices Commission** 

Trent Danowski, Deputy Director

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## **CONCLUSION OF LAW**

Date 03/23/2021

18 The conduct described above constitutes gross neglect of duty in violation of ORS 19 342.175(1)(b); OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-20 0025(2)(e) (Using district lawful and reasonable rules and regulations); OAR 584-020-21 0040(4)(0) as it incorporates OAR 584-020-0035(1)(b) (Refrain from exploiting professional relationships with any student for personal gain, or in support of persons 22 23 or issues), OAR 584-020-0035(1)(c)(A) (Not demonstrating or expressing 24 professionally inappropriate interest in a student's personal life), and OAR 584-020-25 0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and 26 conversations at all times).

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28 The Commission's authority to impose discipline in this matter is based upon29 ORS 342.175.

### ORDER

The Commission adopts and incorporates herein the above findings of fact and
conclusions of law, and based thereon, imposes a Public Reprimand. Additionally, the
commission imposes a term of Probation for not less than three (3) years.

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Issued and dated this \_\_\_\_\_day of April 2021.

# TEACHER STANDARDS AND PRACTICES COMMISSION

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**STATE OF OREGON** 

By

Dr. Anthony Rosilez, Executive Director