## 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 | GARCIA, DANIEL J.    | ) | <b>REVOCATION AND PROBATION</b> |
| 6 |                      |   |                                 |
| 7 |                      |   |                                 |

1

2

8 On December 7, 2021, the Teacher Standards and Practices Commission
9 (Commission) received a misconduct report from the Portland Public School District
10 (PPS), indicating possible professional misconduct on the part of licensed educator,
11 Daniel J. Garcia (Garcia).

After review of the matters alleged, Garcia 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 revocation and period of probation.

15 This Order sets forth the facts upon which the parties have agreed and the 16 sanction to be imposed. Garcia 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, Garcia 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, Garcia 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 Garcia 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 34 consulted with an attorney regarding this Stipulation and Final Order and has been fully 35 advised with regard to his rights thereto, or waives any and all rights to consult with an

| 1        | attorney prior to entering into this Stipulation and Final Order and issuance and entry of |  |  |
|----------|--|--|--|
| 2        | the St   | ipulated Final Order below.  |  |
| 3        |  |  |  |
| 4        |  | STIPULATION OF FACTS   |  |
| 5<br>6   | 1.   | The Commission has licensed Garcia since October 29, 2020. Garcia holds a          |  |
| 7<br>8   |  | Preliminary Teaching License with an endorsement in Reading Intervention (PK-      |  |
|          |  | 12) valid from October 29, 2020 to January 21, 2024, and a Professional            |  |
| 9        |  | Teaching License with an endorsement in Reading Intervention (PK-12) valid         |  |
| 10       |  | from July 13, 2022 to January 21, 2028. Additionally, Garcia has an application    |  |
| 11       |  | for Administrative/Principal pending which was submitted on July 14, 2022.         |  |
| 12       |  | During all relevant times Garcia was employed by the Portland Public School        |  |
| 13       |  | District (PPS).  |  |
| 14       |  |  |  |
| 15       | 2.   |  |  |
| 16       |  | report alleged that Garcia "made dishonest statement on his employment             |  |
| 17       |  | applications regarding his experience and circumstances of the revocation of his   |  |
| 18       |  | Washington State teaching credentials." The report also alleged that PPS offered   |  |
| 19       |  | Garcia a conditional term of employment with the district but that he resigned his |  |
| 20       |  | position prior to the conclusion of PPS's internal investigation into this matter. |  |
| 21<br>22 | 3.   | According to documentation provided by PPS, The Colorado Department of             |  |
| 23       | ÷  | Education (CDE), and the Washington Office of Superintendent of Public             |  |
| 24       |  | Instruction (OSPI), TSPC Investigative Staff was able to determine the following:  |  |
| 25<br>26 |  | • Garcia repeatedly falsified his professional qualifications and/or               |  |
| 27       |  | credentials while working as a licensed educator in the State of Colorado          |  |
| 28       |  | from approximately 1997-2010 in order to obtain employment with school             |  |
| 29       |  | districts and justify salary and/or raises. Garcia engaged in this behavior        |  |
| 30       |  | by misrepresenting his work history, his education, and his experience. In         |  |
| 31       |  | one instance, Garcia claimed that he had earned a Master of Science                |  |
| 32       |  |  |  |
|          |  | Degree in Psychology and Counseling when he had not. Garcia's actions              |  |
| 33<br>34 |  | allowed him to gain employment that he might not have otherwise been               |  |
|          |  | considered or qualified for.   |  |
| 35       |  | • In 2009, Garcia submitted an application for employment with the Cesar           |  |

| 1  |   | Chavez School Network. On the application Garcia falsely stated that he     |
|----|---|---|
| 2  |   | had never been forced to resign from a position for misconduct.             |
| 3  | • | In October 2010, Garcia submitted his application to OSPI for educator      |
| 4  |   | licensure/certification. On the application Garcia falsely stated that he   |
| 5  |   | had worked for the Denver Public School District (DPSD) and omitted         |
| 6  |   | working for the Adams County School District (ACSD), Cherry Creek           |
| 7  |   | School District (CCSD), Adams 12 Five Star Schools, the Aurora School       |
| 8  |   | District (ASD), the Jefferson County School District (JCSD) and the Cesar   |
| 9  |   | Chavez School Network. Additionally, on the same application, Garcia        |
| 10 |   | again falsely stated that he had never been forced to resign from a         |
| 11 |   | position for misconduct. Furthermore, Garcia falsely answered a question    |
| 12 |   | on the OSPI application regarding his criminal history. Garcia indicated    |
| 13 |   | on the application that he had "never been arrested for any crime" when     |
| 14 |   | in fact he had been, twice in Colorado.                                     |
| 15 | • | From 2010-2012, Garcia repeatedly falsified his professional                |
| 16 |   | qualifications and/or credentials while working as a licensed educator in   |
| 17 |   | the State of Washington in order to obtain employment with school           |
| 18 |   | districts and justify salary and/or raises. Garcia engaged in this behavior |
| 19 |   | by misrepresenting his work history, his education, and his experience.     |
| 20 |   | Garcia again claimed that he had earned a Master of Science Degree in       |
| 21 |   | Psychology and Counseling when he had not. In another instance, Garcia      |
| 22 |   | falsely claimed that he had received a master's degree from the University  |
| 23 |   | of Denver and possessed a doctorate degree from Argosy University in        |
| 24 |   | Seattle. Garcia's actions allowed him to gain employment that he might      |
| 25 |   | not have otherwise been considered or qualified for.                        |
| 26 | • | From October of 2011 to February of 2012, Garcia worked as the Dean of      |
| 27 |   | Students and Academic Intervention Specialist for Franklin High School      |
| 28 |   | in Seattle, Washington without a valid Washington license or certificate.   |
| 29 | • | In 2011 Garcia falsely represented himself as the Principal of Franklin     |
| 30 |   | High School in an email using district email.                               |
| 31 | • | In 2020, Garcia made application with TSPC for a Preliminary Licensure.     |
| 32 |   | On this application, Garcia again misrepresented his criminal history and   |
| 33 |   | falsely answered application questions indicating that he had not been      |
| 34 |   | disciplined by any public licensure agency.                                 |
|    |   |   |

- 1 PPS became aware of Garcia's history of misrepresentation of his • 2 experience and credentials on November 2, 2021, approximately one 3 month after he had been hired by the district as an Instructional 4 Specialist. 5 On December 6, 2021, Garcia resigned from PPS. 6 7 4. On April 20, 2022 Garcia interviewed with TSPC investigative staff. During this 8 interview he attributed the misrepresentations and falsehoods made about his 9 credentials and experience over the years to his struggles with anxiety and mental 10 health diagnoses. He provided TSPC with documentation of these diagnoses and 11 stated that he was currently being treated by a therapist. During the interview he 12 acknowledged that the decisions he had made were poor, indicating that he had 13 been struggling with his mental health since the "mid 2000's." In a follow-up 14 interview with TSPC investigative staff on February 27, 2023, he indicated that he would like to enter into a Stipulated Order Agreement in which he wanted his 15 16 mental health documented as the primary reason for the misrepresentations and 17 falsehoods that had occurred during his career. 18
- 19 IT IS SO STIPULATED:

Daniel J. Garcia

20 21

22

23

Trent Danowski, Deputy Director
 Teacher Standards and Practices Commission

26

## 27

## CONCLUSION OF LAW

Date

The above conduct described in section three (3) above, constitutes gross neglect 28 of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates 29 OAR 584-020-0010(5) (Use professional judgment); OAR 584-020-0040(4)(0) as it 30 incorporates OAR 584-020-0035(3)(a) (Maintain the dignity of the profession by 31 respecting and obeying the law, exemplifying personal integrity and honesty); OAR 32 584-020-0040(4)(r) (Working without a license); and OAR 584-050-0035 (1) (Any 33 person employed in a position in a school district, education service district, or charter 34 school for which a license or registration is required pursuant to ORS Chapter 342, must 35

Page 4 STIPULATION OF FACTS AND FINAL ORDER OF REVOCATION AND PROBATION – DANIEL J. GARCIA

| 1  | hold a valid license or registration appropriate for the assignment while working as a  |
|----|---|
| 2  | public school, education service district or charter school employee); and OAR 584-020- |
| 3  | 0040(4)(c) (Falsification of any document or knowing misrepresentation directly         |
| 4  | related to licensure, employment, or professional duties).                              |
| 5  |   |
| 6  | The Commission's authority to impose discipline in this matter is based upon            |
| 7  | ORS 342.175.  |
| 8  | ORDER   |
| 9  | The Commission adopts and incorporates herein the above findings of fact and            |
| 10 | conclusions of law, and based thereon, imposes a revocation of Garcia's Oregon educator |
| 11 | license. Additionally, the commission imposes a term of probation for not less than     |
| 12 | three (3) years.  |
| 13 | 7   |
| 14 | Issued and dated this day of April, 2023.   |
| 15 | TEACHER STANDARDS AND PRACTICES COMMISSION  |
| 16 | STATE OF OREGON   |
| 17 | $\Lambda$   |
| 18 | By An Front   |
| 19 | Dr. Anthony Rosilez, Executive Director   |