1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 23456 OF THE STATE OF OREGON In the Matter of the STIPULATION OF FACTS) Educator License of AND FINAL ORDER TO DAVID MATHENY DENY APPLICATION 7 8 On or about November 22, 2022, the Teacher Standards and Practices 9 Commission (Commission) located information while conducting a background 10 investigation on licensure applicant David Matheny (Matheny) which indicated possible 11 gross neglect of duty and/or gross unfitness. Specifically, the information detailed 12 discipline action taken against Matheny's educator license in another state and his 13 failure to participate in and complete corrective training. 14 After review of the matters alleged, Matheny and the Commission agree that their 15 respective interests, together with the public interest, are best served by a stipulation to 16 certain facts, and to deny Matheny's application for an Oregon educator license. 17 This Order sets forth the facts upon which the parties have agreed and the 18 sanction to be imposed. Matheny stipulates that there are sufficient facts contained in 19 the Commission's files and records to support the findings of fact and conclusions of law 20 set forth below. In entering into this stipulation, Matheny waives the right to a hearing to 21 contest the findings of fact, conclusions of law and order set forth below. 22 By signing below, Matheny acknowledges, understands, stipulates, and agrees to 23 the following: (i) he has been fully advised of his rights to notice and a hearing to contest 24 the findings of fact, conclusions of law, and order set forth below, and fully and finally 25 waives all such rights and any rights to appeal or otherwise challenge this Stipulation of 26 Facts and Final Order to Deny Application for an Oregon teaching license (Stipulation 27 and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is 28 contingent upon and subject to approval and adoption by the Commission. If the 29 30 Commission does not approve and adopt this Stipulation and Final Order, then neither Matheny nor the Commission are bound by the terms herein; (iv) he has fully read this 31 32 Stipulation and Final Order, and understands it completely; (v) he voluntarily, without 33 any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no promise or 34

representation has 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 advised with regard to his rights thereto, or waives any and all rights

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

STIPULATION OF FACTS

 The Commission received an application for an Oregon educator license from Matheny on November 16, 2022. On or about November 22, 2022, Matheny's application was referred internally for an investigation after potentially negative information was identified. Matheny's application was placed on hold pending resolution of the matter.

2. In November 2022, Matheny answered "yes" to several character questions on his Oregon educator licensure application which were related to past investigations for misconduct and adverse actions. On one question, Matheny provided an explanation about using inappropriate language in an email to a parent. On another question, Matheny described an incident investigated by local law enforcement in which a student intentionally gave Matheny a static electric shock from behind and Matheny struck the student with an attendance book. On another question, Matheny wrote his license was suspended for using inappropriate language.

3. On or about November 22, 2022, during a required applicant background check, Commission staff entered Matheny's name in the National Association of State Directors of Teacher Education and Certification clearing house database and learned Matheny had been disciplined in Utah with a one (1) year suspension of his educator license effective August 12, 2016.

4. Investigation found that in September 2010, the Utah Professional Practices Advisory Commission (UPPAC), Utah State Board of Education, issued Matheny a letter of reprimand for an incident investigated by local law enforcement in which a student intentionally gave Matheny a static electric shock from behind and Matheny responded by hitting the student with a rolled-up attendance book, and then directed profanity at the student.

5. Investigation found that in August 2016, UPPAC suspended Matheny's teaching credential for one (1) year for an email he sent to a parent which contained

1 inappropriate language after an incident with a student. UPPAC would not 2 automatically end Matheny's suspension, and that Matheny had to request a 3 reinstatement hearing. As a condition for reinstatement, Matheny was required to 4 complete UPPAC-approved ethics training and anger management training. 5 6 6. In Matheny's Commission interview, he said that in February 2015, he completed a 7 district required classroom management training course. In an email Matheny sent to 8 the Commission investigator dated March 6, 2023, he admitted to not applying for 9 reinstatement of his Utah teaching certificate and not enrolling in a UPPAC-approved 10 anger management course. Matheny provided no evidence of enrolling in a UPPAC-11 approved ethics course. Matheny did provided evidence of partially completing 12 district required classroom management training in February 2015. 13 14 IT IS SO STIPULATED: 15 16 May 4, 2023
Date
5/5/2023 17 18 19 20 21 22 Trent Danowski, Deputy Director 23 Teacher Standards and Practices Commission 24 25 CONCLUSION OF LAW 26 The pattern of conduct Matheny displayed in section four (4) and five (5) above, 27 and failed to address as described in sections six (6) above constitutes gross neglect of 28 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 29 584-020-0010(1) (Recognize the worth and dignity of all persons and respect for each 30 individual), OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-31 0020(2)(d) (Skill in the supervision of students), OAR 584-020-0025(2)(a) (Establishing and maintaining classroom management that is conducive to learning), 32 33 OAR 584-020-0030(2)(b) (Skill in communicating with administrators, students, staff, parents and other persons), OAR 584-020-0030(3) (d) (Skill in reconciling conflict), 34 and OAR 584-020-0035(2)(c) (Strive for continued improvement and professional 35 36 growth). 37 The Commission's authority to impose discipline in this matter is based upon

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ORS 342.175.

1	ORDER	
2	The Commission adopts and incorporates herein the above findings of fact and	
3	conclusions of law, and based thereon, denies the application of David Matheny for an	
4	Oregon educator license.	
5	Furthermore, the Commission imposes the following conditions be met prior to	
6	Matheny reapplying for an Oregon educator license:	
7	1. Matheny shall successfully complete a Commission approved training course on	
8	anger management and provide the Commission a written record of this.	
9	2. Matheny shall successfully complete a Commission approved training course on	
10	classroom management and provide the Commission a written record of this.	
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12	Issued and dated this 2 day of June, 2023.	
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14	TEACHER STANDARDS AND PRACTICES COMMISSION	
15	STATE OF OREGON	
16		
17	By A	
18	Dr. Anthony Rosilez, Executive Director	
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20 21 22 23	NOTICE OF APPEAL OR RIGHTS	
22	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY	•
23 24	BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE	I
25	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS O	F
26	ORS 183.482 TO THE OREGON COURT OF APPEALS.	