

## UPPAC NEWSLETTER

### **DIRECTOR'S MESSAGE**

Ben Rasmussen, UPPAC Director

June 2016 marked eighteen months that I've had the privilege of working with the Utah Professional Practices Advisory Commission. During this time, there has been considerable changes to our operations and UPPAC's administrative rules. We have also had a large turnover in our small staff, which I believe is now complete. UPPAC has a new team that works to fairly and expeditiously investigate and prosecute allegations of educator misconduct. Our investigators, Nicole Ferguson and Steve Oler, are veteran prosecutors who work to balance the Board's need to protect the students in Utah's classrooms with the importance of an educator's due process rights when facing allegations of misconduct. UPPAC was also lucky enough to snag our assistant, Brandie Schulz, from the Board's Licensing Department. Brandie is a great resource to educators with background check issues as they seek to navigate the process.

Nicole, Steve, and I are attorneys by training. The Utah State Bar provides attorneys a recap of attorney discipline in its monthly Bar journal. UPPAC previously distributed a newsletter like this, and I have received feedback that providing educators with summaries of the Board's disciplinary decisions is helpful to educators trying to avoid ethical pitfalls. To that end, my staff and I are planning to release a newsletter at least twice a year detailing the Board's most recent disciplinary decisions. While we don't intend to name or embarrass an educator who has faced discipline, we do intend to report the circumstances that caused him or her to incur discipline, along with the discipline he or she received. We hope this information will be useful for educators as they examine their own practices, and to administrators in determining what matters need to be referred to UPPAC, in conjunction with the educator standards in R277-515. If there are other items that would be of interest in future newsletters, please let us know.

### **RECOGNIZING OUR INCOMING AND OUTGOING UPPAC MEMBERS**

The Utah Professional Practices Advisory Commission is made up of eleven educators and community members. Members serve three-year terms and meet as a Commission monthly to make thoughtful and reasoned recommendations about educator discipline to the Utah State Board of Education.

**Our Outgoing Members:** We would like to thank Darin Nielsen, from the Box Elder School District, and Beverlee Simpson, from the Salt Lake City School District, for their years of service on UPPAC.

**Our Newest Members** are Susanne Kuresa, from the Logan City School District, and Cynthia Phillips, from the Weilenmann School of Discovery, who have been appointed by Superintendent Dickson and the State Board of Education to serve on UPPAC. We look forward to working with them in advising the Board on educator discipline.

# UPPAC EDUCATOR DISCIPLINE

## A summary of Utah State Board Decisions from January-June 2016

### **Revocation**

15-1276

A school administrator engaged in inappropriate and unprofessional conduct, including sending a picture of his genitals to a colleague, using security cameras to view and monitor the colleague without a legitimate business purpose to do so, and engaging in unprofessional communication with other colleagues by making inappropriate jokes and comments. This conduct occurred on school property during contract hours. The inappropriate conduct with the colleague was consensual, but the colleague reported the incident out of fear that the behavior would escalate. The educator's license was permanently revoked.

14-1195

An educator engaged in sexually explicit conduct with a minor and pleaded guilty to one count of Attempted Forcible Sodomy, a first degree felony; one count of Attempted Object Rape, a first degree felony; one count of Forcible Sexual Abuse, a second degree felony; one count of Tampering with a Witness, a third degree felony; and one count of Obstructing Justice, a second degree felony. The educator's license was permanently revoked.

14-1220

An educator engaged in inappropriate communication with a student by soliciting and receiving pictures of the student partially clothed and one of her nude. The educator was convicted of Obstruction of Justice, a third degree felony. The educator's license was permanently revoked.

14-1230

An educator viewed child pornography on his personal computer. The educator plead guilty to five counts of Sexual Exploitation of a Minor, a second degree felony. The educator's license was permanently revoked.

13-1174

An educator had a sexual relationship with minor students and pleaded guilty to three counts of Forcible Sexual Abuse, a Second degree felony. The educator's license was permanently revoked.

12-1106, Revocation (default)

An educator touched the buttocks and thighs of a ten-year-old girl during violin class. The educator was charge with four counts of Aggravated Sexual Abuse, a first degree felony. He plead no contest to amended charges of Lewdness Involving a Child, a Class A misdemeanor. The educator's license was permanently revoked pursuant to a Default Order.

### **Suspension**

15-1267

An educator viewed sexually explicit images on his school computer during the school day. The District searched the educator's computer and found numerous inappropriate images. The educator received a two-year suspension of his educator's license. Because the educator failed to sign the USBE Stipulated Agreement, received a five-year suspension of his educator's license pursuant to a Default Order entered by USBE.

15-1242

An educator tutored a former high school student and engaged in sexually explicit conduct with her on school property during the school day. The former student was an adult at the time of the incident, but suffered from emotional and learning disabilities. The educator's license was suspended for a period of two years.

14-1232

A school counselor engaged in inappropriate discussions with students and violated FERPA by assisting students with emancipation without parental consent, and discussing the student's personal information with

individuals who did not have permission to receive that information. The educator received a two-year suspension of her educator's license.

14-1191

An educator failed to hold timely IEPs for several students. When the educator finally held the IEP meetings, she back-dated the meeting dates on the IEP form to make it appear as if the IEPs were held in a timely manner. The educator received a six-month suspension of her educator's license.

14-1200

An educator patted a student on the buttocks with a shovel to get them to get back to work in a construction class. The educator pulled another student and pushed him in his chair when trying to get him to get back to work. The educator plead no contest to Disorderly Conduct in a plea in abeyance related to this incident. The educator received a three-year suspension of his educator's license.

15-1257

An educator swore at a teacher in the computer lab in front of their students. The educator had previously received a letter of reprimand from USBE for putting his hands around a student's neck during a basketball game and saying, "I feel like killing you right now." The educator did not respond to the UPPAC action, and USBE approved a suspension of his educator's license for five years pursuant to a Default Order.

### **Letter of Reprimand**

15-1264

An educator/coach engaged in unprofessional communication with his players by sharing details of his divorce with them. He also engaged in sexual activity with another school coach on school property after school hours. The educator received a letter of reprimand that will remain on the educator's license for two years.

15-1270

An educator lost her composure when communicating with her first-grade class. On several occasions, she

dragged a student to the office by his arm, and yelled at him in front of her entire class and other office employees. The educator received a letter of reprimand that will remain on the educator's license for two years.

15-1274

An educator engaged in unprofessional communication with students by sharing a detailed story regarding a family member's rape and using racially offensive language when describing a family member's pregnancies. The educator received a letter of reprimand to remain on her license for a period of two years.

### **Letter of Warning**

15-1279

An educator received three misdemeanor citations, but was only convicted of one. The educator entered into a plea in abeyance for disorderly conduct for an incident in which she hit her husband with a plastic mug and threw his phone. The educator received a letter of warning.

15-1295

An educator posted a letter from a parent on Facebook under the erroneous assumption that the post would be a private message to her friend. The post, which was available to the public, was a FERPA violation because it identified the student and the student's school schedule. The educator's post was also unprofessional as she spoke ill of a parent who was trying to understand the school's registration process. The educator received a letter of warning.

14-1239

An educator lifted a kindergarten student from his chair for not following directions and took him to the rug. She also forcefully moved a boy's shoulders to position in him a chair when he was not sitting in the correct position. The educator received a letter of warning.

15-1291

An educator in a CTE class put wire strippers on a student's fingers in an effort to teach him a lesson about cutting school property. The student's finger was punctured in three or four small spots. The educator received a letter of warning.

16-1315

An educator engaged in two incidents of inappropriate discipline. In the first case, the educator physically moved a disruptive student down the hallway. After a student refused to go to class, the educator tried to pull the student to his feet, but he went limp and would not cooperate. The educator dragged the student 4-5 feet to the door. The educator received a letter of warning.

### **Letter of Admonishment**

15-1281

An educator's twitter account was public and bore his school's logo. The educator followed twitter feeds with suggestive handles and inappropriate images which was visible to a number of students that followed the educator on Twitter. The educator has since made his Twitter feed private and stopped following the inappropriate feeds. The educator received a letter of admonishment.

### **Dismissal**

15-1269

USBE dismissed a case against an educator where the allegation that the educator falsified of IEPs was found to be baseless.

16-1323

An educator was falsely accused of raping a student. The student had mental health issues and later recanted her story. USBE dismissed the case based on the student's recantation.

### **Surrender of License**

12-1058

An educator allegedly engaged in inappropriate communication with a male student, including jokes with homosexual innuendo and inappropriate comments regarding the attractiveness of his students. The educator also viewed pornography on his school issued computer. The educator permanently surrendered his educator's license after UPPAC commenced its investigation.

15-1282

An educator allegedly went streaking with a student he coached on several occasions, at least one of which occurred when the student was 17 and attending high school. At the time of the inappropriate conduct, the educator had not received his educator's license, but was working as a paraprofessional. The educator's inappropriate behavior was not reported to UPPAC until after the educator had received his license. The educator permanently surrendered his educator's license after UPPAC commenced its investigation.

15-1294

An educator allegedly engaged in sexual activity with a student over ten years ago. The educator permanently surrendered her educator's license after UPPAC commenced its investigation.

### **Pre-Licensure Flag**

16-1314

A pre-licensure individual was reported to UPPAC for attending his college elementary education licensure program while intoxicated. The student arrived for an exam smelling of alcohol. The student berated the professor in a loud voice, complained about the test, and professor's teaching inadequacies. The student came to class smelling of alcohol and making incoherent comments on several other occasions. The college removed the student from its licensure program over concerns about his ability to interact with children. USBE ordered that a flag be maintained on the student's CACTUS file and that he not be considered for licensing until he obtains a substance abuse evaluation and complete any recommended treatment.

15-1299

An educator was given a Level 1 license based on an erroneous recommendation from his University. The educator had not completed the requirements for his graduation. The university informed the educator that he needed additional credits to graduate. The educator represented on his school district employment application that he had completed his degree. USBE found the educator's license is administratively invalid for lack of degree. Licensing advised the educator and the district that the license will be invalidated effective 6/30/16. The educator must re-apply when his degree is complete.

Our UPPAC team is available if you need to report an ethical violation, have questions about an ethical violation, or if you would like us to provide training to your LEA regarding the educator standards. Please contact Brandie at (801) 538-7745.