



# Oregon

Theodore R. Kulongoski, Governor

## Teacher Standards and Practices Commission

465 Commercial St. NE  
Salem, OR 97301  
(503) 378-3586, (503) 378-4448 fax  
[www.TSPC.state.or.us](http://www.TSPC.state.or.us)  
[contact.tspc@state.or.us](mailto:contact.tspc@state.or.us)

December 31, 2007

Amy Hsuan  
West Metro News Bureau  
1675 SW Marlo Ave., Suite 325  
Beaverton, OR 97225

Re: Petition for Public Records Disclosure Order:  
*Teacher Standards & Practices Commission Settlement Agreements*

Dear Ms. Hsuan,

On November 30, 2007, you submitted a Public Records request for any and all settlement agreements in which the Commission:

- 1) agreed not to subject an educator to discipline;
- 2) and/or agreed not to place an educators name on its annual discipline list;
- 3) and/or agreed not to enter an educator into the NASDTEC national database.

On December 7, 2007, the Commission indicated that one such agreement existed (Glenn M. Kinney, Jr.), and which was not covered by your previous Public Records Requests.

On December 12, 2007, you submitted a Public Records Request asking the Attorney General to order the Teacher Standards & Practices Commission to make the settlement agreement available. On December 24, 2007 the Attorney General granted your request with regard to the identified settlement agreement.

Therefore, pursuant to that order, please find with this letter the settlement agreement that the Teacher Standards & Practice Commission entered into with Mr. Kinney.

Sincerely,

George T. Finch  
Coordinator of Professional Practices



## SETTLEMENT AGREEMENT

The parties to this agreement are the State of Oregon, by and through the Oregon Teacher Standards and Practices Commission (The Commission) and Glen M. Kinney, Jr.

### RECITALS

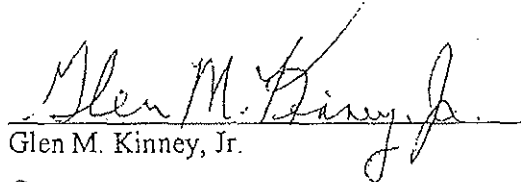
1. The Commission is a State agency charged with licensing teachers as that term is defined under ORS 342.120(9). The Commission has the duty to evaluate applicants for teaching licenses under ORS 342.143 and to impose disciplinary sanctions, including revocation of licenses of teachers who violate professional standards. ORS 342.177.
2. Mr. Kinney has held an Oregon teaching license and has been employed as a public school teacher in Oregon. His teaching license expired May 5, 1998, and he has not applied for reinstatement of his license. Because Mr. Kinney has held a license within the last five years, the Commission has authority to revoke his right to apply for a license. ORS 342.175(1).
3. The Commission received a complaint on September 6, 1996, that Mr. Kinney had engaged in sexual conduct with an individual during a period when the individual was under the age of 18.
4. The Commission did not act on the complaint against Mr. Kinney at that time because of another action pending against Mr. Kinney in another forum.
5. In November 1999, the Commission issued a Notice of Opportunity for Hearing that charged Mr. Kinney with having sexual contact with the individual referred to in paragraph 3 and afforded Mr. Kinney an opportunity for a hearing. On December 9, 1999, Mr. Kinney requested a hearing.
6. Mr. Kinney denies the allegations in the Commission's Notice.
7. Mr. Kinney chose to leave the profession of teaching in June 1995 and does not plan to return to the profession or to apply for a teaching license in Oregon.
8. The Commission and Mr. Kinney acknowledge that there are sharply contested issues of fact in this case.
9. Mr. Kinney has no plans to return to the profession of teaching, and he would prefer to avoid the expense and emotional toll that might result from a contested case hearing before the Commission.

10. The Commission seeks to avoid the expense of a contested case hearing and the emotional toll that a contested case hearing might present for the individual referred to in paragraph 3 and other witnesses in the case.
11. In entering into this agreement, Mr. Kinney has been represented and advised by Attorney John S. Bishop. Mr. Bishop has had an opportunity to review the agreement and provide advice to Mr. Kinney.

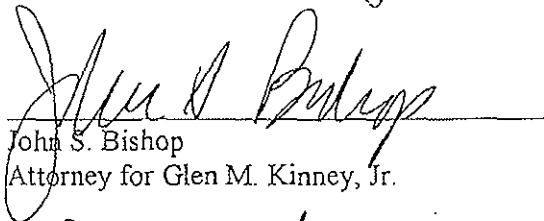
**BASED ON THE FOREGOING, THE PARTIES AGREE AS FOLLOWS:**

1. Mr. Kinney shall not seek reinstatement of his Oregon Teaching License. He shall not apply at any time for a license as a teacher or as an administrator in the State of Oregon. Mr. Kinney waives any statutory right he may have to apply for a teaching license now or in the future under ORS 342.143, 342.175 or any other provision of law.
2. The Commission agrees to dismiss the pending charges against Mr. Kinney and not to seek revocation of Mr. Kinney's privilege to apply for a license or to impose any other discipline based on the charges in the November 1999 Notice of Opportunity for Hearing. The Commission further agrees not to enter Findings of Fact, Conclusions of Law or any order imposing discipline against Mr. Kinney.
3. Mr. Kinney's promises under this Settlement Agreement shall be binding and enforceable against him. If Mr. Kinney applies for an Oregon Teaching License, such application will violate the terms of this Agreement, and the Commission may rely on this Agreement as the sole basis for the Commission to refuse to issue a teaching license to Mr. Kinney.
4. The Commission's order dismissing the charges and the Notice of Opportunity for Hearing shall be considered by the Commission as confidential and not subject to public inspection under ORS 342.176(4). The Commission agrees not to release those documents unless ordered to do so in a public records order under ORS 192.450.
5. The Commission shall treat this Settlement Agreement as a document used in its investigation under ORS 342.176(4) and therefore confidential and not subject to public inspection. As such, the Commission shall not disclose this Settlement Agreement unless ordered to do so under ORS 192.450.

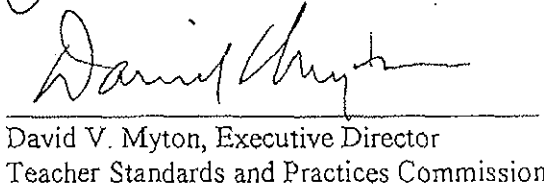
6. This Settlement Agreement shall be contingent upon approval through adoption of a resolution by a majority vote of the Commission. If the Commission does not approve this Settlement Agreement, neither the Commission nor Mr. Kinney shall be bound by its terms, and Mr. Kinney shall retain all rights to a hearing on the allegations in the Commission's charge.

  
Glen M. Kinney, Jr.

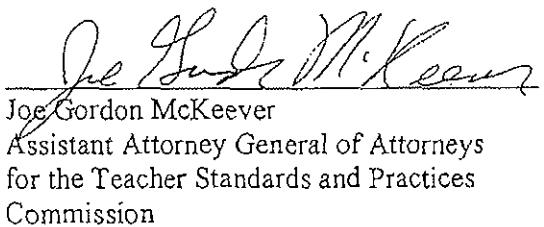
6-19-00  
Date

  
John S. Bishop  
Attorney for Glen M. Kinney, Jr.

6-27-00  
Date

  
David V. Myton, Executive Director  
Teacher Standards and Practices Commission

6/29/00  
Date

  
Joe Gordon McKeever  
Assistant Attorney General of Attorneys  
for the Teacher Standards and Practices  
Commission

6/13/2000  
Date