

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

In the Matter of the	)	STIPULATION OF FACTS AND
Educator License of:	)	FINAL ORDER OF
KEVIN JOSHUA TURNER	)	REVOCATION OF RIGHT TO APPLY

On or about August 20, 2012, the Teacher Standards and Practices Commission (Commission) received a report from the Salem-Keizer School District, indicating that licensed educator Kevin Turner (Turner) may have violated professional standards.

After review of the matters alleged, Turner and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, and revocation of Turner's right to apply for licensure.

This document sets forth the facts upon which the parties have agreed and the stipulated sanction to be imposed. Turner stipulates that there is sufficient evidence in the Commission's files and records to support the findings of fact, conclusions of law, and order set forth below.

By signing below, Turner acknowledges, understands, stipulates, and agrees to the following: (i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Revocation of Right to Apply (Stipulation 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 contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Turner nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without 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 promises or 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 to consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below. This Order sets forth the facts upon which the parties have agreed and the sanction to be imposed. In entering into this stipulation, Turner waives the right to a hearing to contest the findings of fact, conclusions of law and order set forth below.

STIPULATION OF FACTS

1. The Commission has licensed Turner since July 15, 2002. Turner previously held an Initial I Teaching License valid December 2, 2009 through July 15, 2012, with an endorsement in Social Studies (HS). Turner had been previously employed as a teacher for the Salem-Keizer School District until his resignation effective July 31, 2012; Turner is not currently employed in the teaching profession.
2. On August 20, 2012, the Commission received a report from the Salem-Keizer School District indicating Turner had recently been investigated by the Keizer Police Department regarding sex abuse allegations related to activity in 1999, prior to becoming a teacher when he was in his early 20's. The allegations would constitute activity amounting to gross neglect of duty and / or gross unfitness. Subsequent investigation determined that Turner was accused of conduct occurring in approximately 1999, while a Youth Group Leader for the Christian youth group "Young Life", and involved inappropriate behaviors with a teen-aged youth group member JR. The details of the alleged inappropriate behaviors included:
 - a. Turner encouraged and participated in naked hot tub sessions with JR and other minor aged male youth group members as well as other leaders. All the participants were male, and no allegation of sexual activity in the hot tub is alleged.

- b. On more than one occasion, Turner visited JR at his residence. Turner admits that he would lay down on a bed next to JR with no shirt on and on some occasions, while lying in bed with JR, Turner would give JR back rubs. Turner would visit JR as described above when JR was staying home from school due to illness.
 - c. Turner and JR engaged in wrestling and Brazilian jiu-jitsu while at a Young Life house. While Turner contends that such conduct was not sexual in nature, on one occasion, after grappling for some time, Turner engaged in massaging JR's back and shoulders and during this encounter Turner attempted to kiss JR on the neck.
3. On or about May 29, 2012, the Keizer police referred their investigation to the District Attorney's Office, who declined to prosecute the case. On July 31, 2012, Turner entered into a separation agreement with the Salem-Keizer School District resigning Turner's teaching position. Turner had not been disciplined or otherwise sanctioned by the Commission for any conduct during 2001 – 2012 while he was licensed by the Commission and served as a teacher.

IT IS SO STIPULATED:



Kevin Joshua Turner



Victoria Chamberlain, Executive Director
Teacher Standards and Practices Commission

6/16/15

Date

6-25-15

Date

CONCLUSION OF LAW

Kevin Joshua Turner, prior to licensure or employment in the teaching profession, and while an adult in a leadership role over minor children; demonstrated poor decision making,

and demonstrated inappropriate boundaries between an adult and a minor. Turner's conduct as described in section two (2) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and conversation at all times*). This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5) (*Gross unfitness is any conduct which renders an educator unqualified to perform his or her professional responsibilities. Conduct constituting gross unfitness may include conduct occurring outside of school hours or off school premises when such conduct bears a demonstrable relationship to the educator's ability to fulfill professional responsibilities effectively*).

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

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ORDER

The Commission adopts the above Stipulation of Facts, revokes Kevin Joshua Turner's right to apply for an educator license.

IT IS SO ORDERED this 25th day of June, 2015.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: 
Victoria Chamberlain, Executive Director