

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

3 In the Matter of the) STIPULATION OF FACTS AND
4 Educator License of) FINAL ORDER OF SUSPENSION
5 MICHAEL D. ORIAS) OF RIGHT TO APPLY

6 On September 21, 2015, the Teacher Standards and Practices Commission (Commission)
7 received a report from the Willamette Education Service District (WESD) alleging that Michael D.
8 Orias (Orias) had violated Professional Standards and Practices.

9 After review of the matters alleged, Orias and the Commission agree that their respective
10 interests, together with the public interest, are best served by a stipulation to certain facts, and the
11 imposition of a sixty (60) days suspension of Orias' right to apply for an Oregon educator license.

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

16 By signing below, Orias acknowledges, understands, stipulates, and agrees to the following: (i)
17 he has been fully advised of his rights to notice and a hearing to contest the findings of fact,
18 conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights
19 to appeal or otherwise challenge this Stipulation of Facts and Final Order of Suspension of Right to
20 Apply (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and
21 disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is
22 contingent upon and subject to approval and adoption by the Commission. If the Commission does
23 not approve and adopt this Stipulation and Final Order, then neither Orias nor the Commission are
24 bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it
25 completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order
26 and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no promises
27 or representation has been made to induce him to sign this Stipulation and Final Order; and (vii) he
28 has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised

1 with regard to his rights thereto, or waives any and all rights to consult with an attorney prior to
2 entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order
3 below.

4 **STIPULATION OF FACTS**

5 1) Orias has been licensed as an educator in Oregon since August 23, 2008. Orias held a Career and
6 Technical Education II Teaching License, with an endorsement in Manufacturing Technology
7 (CTE, HS), valid from June 14, 2015 through June 13, 2018. During all relevant times, Orias was
8 employed by the Willamette Education Service District (WESD), providing teaching services to
9 Oregon Youth Authority (OYA) at the MacLaren Youth Correctional Facility (Lord High School).
10 MacLaren is a youth correctional facility, and the student offenders Orias taught were subject to an
11 environment of heightened security and supervision. Orias has not made application for renewal.

12
13 2) On September 21, 2015, the Commission received a report from the WESD indicating Orias may
14 have committed acts which constitute gross neglect of duty. Specifically, on multiple occasions,
15 Orias' assigned computer and internet systems, under Orias' individual user account and
16 password, were used to search for and access adult images in violation of WESD and OYA policies.
17 More specifically:

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19 3) On September 9, 2015, while Orias was out on workers' compensation leave, two print jobs were
20 found in the printer queue of the printer located at Orias' work station. Investigation determined
21 that these documents were results of google searches for adult images, which is considered
22 contraband at a correctional facility. Forensic examination determined that on at least five
23 separate dates in October and November 2014, searches for explicit adult materials were made
24 using Orias' account profile. This access and the attempts to print some materials resulted in
25 temporary thumbnail images to be stored on the computer system. The total amount of time
26 spent on the searches was less than ten minutes combined.

- 1 4) Records indicate Orias was present and working during all of these dates and times in question,
2 and that students were likely present in the classroom or the welding shop. During the course of
3 the investigation, Orias denied engaging in the alleged searches and claimed that the searches had
4 to have been done by student offenders. At the time, teacher computers locked after 15
5 minutes. After this incident, the WESD changed the lock-out time to one minute. In addition,
6 although requested by Orias and other teachers, there was no video surveillance in Orias work area
7 at the time.
- 8 5) The nature and scope of the illicit searches, if done by others on Orias' work computer, would
9 violate OYA and WESD policies relating to the supervision of students, security of one's assigned
10 computer equipment, systems, computer account information, and password(s).

11
12 IT IS SO STIPULATED:

13 Michael D. Orias,
14 Michael D. Orias

7-22-2019
Date

15 Trent Danowski
16 Trent Danowski, Deputy Director
17 Teacher Standards and Practices Commission

7/23/2019
Date

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19 **CONCLUSIONS OF LAW**

20 Michael D. Orias' conduct described above with regard to student supervision and computer
21 security constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n)
22 as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-0020(2)(d)
23 (*Skill in the supervision of students*), OAR 584-020-0025(2)(b) (*Using and maintaining district*
24 *property, equipment, and materials appropriately*), and OAR 584-020-0025(2)(e) (*Using district*
25 *lawful and reasonable rules and regulations*).

26
27 The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

1 **ORDER**

2 The Commission hereby adopts and incorporates herein the above stipulation of facts,
3 conclusions of law, and based thereon hereby imposes a sixty (60) day suspension upon Orias' right
4 to apply for an Oregon educator license following the adoption of this order.

5
6 IT IS SO ORDERED this 12 day of August 2019.

7 TEACHER STANDARDS AND PRACTICES COMMISSION

8
9 By: 
10 Dr. Anthony Rosilez, Executive Director