

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 CARISSA M. MARTOS) AND PROBATION

6 On or about December 21, 2017, the Teacher Standards and Practices Commission
7 (Commission) received a report from the Oregon Department of Human Services (DHS). On
8 January 19, 2018, the Commission received a report from the principal of the Youth Progress
9 Association (YPA). Both reports alleged related misconduct on the part of Carissa M. Martos
10 (Martos).

11 After review of the matters alleged, Martos and the Commission agree that their respective
12 interests, together with the public interest, are best served by a stipulation to certain facts, the
13 imposition of a (60) sixty -day suspension of Martos' Oregon educator license, followed by a period
14 of probation upon reinstatement of Martos' Oregon educator license.

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

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

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STIPULATION OF FACTS

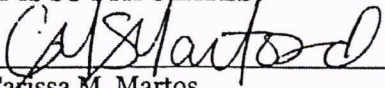
- 1) The Commission has licensed Martos since July 25, 2016. Martos holds Preliminary Teaching License, with endorsements in English Language Arts (PK-12); Social Studies (PK-12); Elementary – Multiple Subjects (PK-12); and Special Education: Deaf and Hard of Hearing (PK-12), valid from July 17, 2017, through July 27, 2020. During all relevant times, Martos was employed by the Youth Progress Association (YPA). YPA is an alternative education program through the Portland Public Schools and the Oregon Youth Authority (OYA). YPA serves male youth ages 13-25 in the juvenile justice and foster care systems. Martos was employed as a Multiple Subjects teacher in YPA's learning center. This was Martos' first education position.

- 2) On December 21, 2017, the Commission received a cross report from the Oregon Department of Human Services (DHS) which alleged Martos had engaged in inappropriate teacher / student boundaries with youth attending YPA. On January 19, 2018, the Commission received a report from the principal of YPA stating there were continued inappropriate teacher/student boundaries. Investigation determined that in October 2017, soon after starting employment at YPA (June of 2017), Martos' supervisor counseled Martos on issues relating to student supervision and professional boundaries in this therapeutic residential setting. Martos voluntarily resigned in December 2017 for a number of reasons: concerns regarding her personal safety after being sexually assaulted; concerns about the safety and adequacy of the program being provided at YPA and OYA; and a desire to eliminate a barrier to her being approved as a proctor/foster parent. At the time of her resignation, there were no outstanding investigations or complaints. However, investigation revealed that, after she resigned, Martos violated professional standards as it related to possession of confidential records, disclosure of confidential records, and the use of confidential records for personal benefit. More specifically:
 - a) Possession of confidential records: On or about January 2018, after Martos resigned, Martos received from YPA employees screen shots of several critical incident reports containing confidential information relating to several OYA youth clients/students. Applicable policies specifically disallowed employees from removing or copying of these records without prior management approval. The confidential information included names, identifying information, as well as some history and prognosis information. Martos stored these confidential records at her personal residence.

1 b) Disclosure of confidential records and use for personal benefit: After she resigned, Martos filed
2 a complaint with the Bureau of Labor and Industries alleging unlawful employment practices
3 by YPA. As part of those complaints, she provided copies of the Critical Incident reports
4 received from YPA employees. Martos believed that she could lawfully share this information
5 with a state agency as a whistleblower. She understands now that she was not correct. Martos
6 subsequently appealed the denial by OYA of a request by her and her husband to become foster
7 parents. In that proceeding, Martos offered the confidential information as a potential
8 exhibit after redacting what she believed to be all identifying information. Martos also
9 allowed her husband to review the confidential information in the course of the proctor/foster
10 parent appeal. When the DOJ attorney raised a concern about confidentiality, Martos agreed
11 that the information would be subject to a confidentiality agreement.

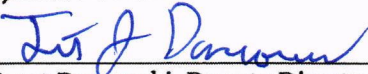
12
13 c) By accepting, continuing to possess, and then disclosing confidential information provided by
14 other employees in violation of YPA standards, Martos engaged in unprofessional conduct.
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17 IT IS SO STIPULATED:

18 
19 _____
Carissa M. Martos

5/11/2020

Date

20 
21 _____
Trent Danowski, Deputy Director
22 Teacher Standards and Practices Commission

5/13/2020

Date

23 **CONCLUSIONS OF LAW**

24
25 Carissa M. Martos' conduct described in section two (2 a, b ,c,) constitutes gross neglect of duty
26 in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5)
27 (*Use professional judgment*), OAR 584-020-0025(2)(c) (*Using and maintaining student records as*
28 *required by federal and state law and district policies and procedures*), OAR 584-020-0025(2)(e)
29 (*Using district lawful and reasonable rules and regulations*); OAR 584-020-0040(4)(o) as it
30 incorporates OAR 584-020-0035(1)(a) (*Keep the confidence entrusted in the profession as it relates*
31 *to confidential information concerning a student and the student's family*).
32

33
34 The Commission's authority to impose discipline in this matter is based upon ORS 342.175.
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36

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 (60) sixty-day suspension upon Carissa M.
4 Martos' Oregon educator license as follows:

5 Carissa M. Martos' Oregon educator license is hereby suspended for a (60) sixty-day following
6 the adoption of this order.

7 Furthermore, the Commission imposes a period of four (4) years of probation upon Martos'
8 licensure to commence upon the reinstatement of Martos' Oregon educator license and subject to the
9 following conditions:

- 10 1. Martos shall comply with the Standards for Competent and Ethical Performance of Oregon
11 Educators under Oregon Administrative Rules Chapter 584, Division 020.
12 2. Martos will submit proof of successful completion of the NASDTEC course Prevention and
13 Correction within the first year of her probation.
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16 IT IS SO ORDERED this 23 day of June 2020.

17 TEACHER STANDARDS AND PRACTICES COMMISSION

18
19 By: _____

20 Dr. Anthony Rosilez, Executive Director