1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
4 5 6 7	In the Matter of the) DEFAULT ORDER OF Teaching License of) SUSPENSION OF TEACHING MARK ANDREW ROUSKA) LICENSE AND PROBATION
8	On October 12, 2010, the Teacher Standards and Practices Commission
9	(Commission) issued a Notice of Opportunity for Hearing to Mark Andrew Rouska
10	(Rouska) in which the Commission charged him with Gross Neglect of Duty pursuant to
11	OAR 584-020-0040(4)(n), OAR 584-020-0010(5), OAR 584-020-0010(1), OAR 584-
12	020-0040(4)(o) and OAR 584-020-0035(1)(c)(D). The Notice was sent via U.S. First
13	Class Mail and U.S. Certified Mail Receipt 7010 0290 0001 6831 4497 to the address
14	on file with the Commission. The Certified Mail was returned to the Commission, as
15	unclaimed. The regular mail was not returned to the Commission. The Notice of
16	Opportunity of Hearing, dated October 12, 2010, and signed by Victoria Chamberlain,
17	Executive Director, stated:
18 19 20 21 22 23 24 25	"IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
26	Rouska did not request a hearing. The Commission, therefore, finds Rouska to be in
27	default and enters the following findings of fact, conclusions of law and order, based on
28	the files and records of the Commission concerning this matter.
29	FINDINGS OF FACT
30	1. Mark Andrew Rouska has been licensed as a teacher in Oregon by the
31	Commission since December 4, 2000. Rouska's Initial I Teaching License, issued
32	September 20, 2006, expires on September 19, 2010. Rouska timely applied for

renewal of his license. 2. On September 16, 2009, in response to a disciplinary situation in his classroom Rouska told students, "If you were my children I would take you home and beat you," or words to that effect. Rouska also commented to students that they were "a disgrace to their families," "stupid," "immature," and that he was "disgusted" with their behavior. Rouska then kicked an unoccupied desk that hit another student and fell over. Rouska also commented to students that he was "being let go anyway" and that he didn't "care about teaching them anyway." Rouska was given a five day administrative leave following this incident. **CONCLUSIONS OF LAW** Mark Andrew Rouska's above described conduct 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 584-020-0010(1) (Recognize the worth and dignity of all persons and respect for each individual) and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and conversations at all times). The Commission's authority to impose discipline in this matter is based upon ORS 342,175.

FINAL ORDER The Commission hereby suspends the Initial I Teaching License of Mark Andrew Rouska for 30 days. Furthermore, in order to reinstate his license, Rouska must provide proof of attendance in an anger management class. Upon reinstatement of licensure, Rouska shall be placed on probation for a period of three (3) years. IT IS SO ORDERED THIS _____ day of February, 2011. TEACHER STANDARDS AND PRACTICES COMMISSION Victoria Chamberlain, Executive Director NOTICE OF APPEAL OR RIGHTS YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Mark Andrew Rouska 12240 NW Barnes Rd., Apt. 24 Portland, OR 97229

Dated this Aday of February, 2011.

Melody Hanson

Executive Assistant