BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 4 In the Matter of the STIPULATION OF FACTS, 5 6 Teaching License of ORDER OF SUSPENSION DAVID RANDALL MARTIN AND PROBATION) 7 8 9 On or about April 11, 2001, David Martin's attorney notified the Teacher Standards and 10 Practices Commission (Commission) of this matter and of his willingness to cooperate. 11 On or about April 12, 2000, the Commission notified David Martin that a report had been 12 filed alleging that Mr. Martin misused his school computer to access sexually explicit material 13 over the Internet. William Hampton, Superintendent, Sweet Home School District, submitted the 14 report. 15 Mr. Martin fully cooperated with the Commission's investigation and did not contest the 16 allegations. After review of the matters alleged, Mr. Martin and the Commission agree that their 17 respective interests, together with the public interest, are best served by a stipulation to certain 18 facts and the imposition of a ninety (90) day suspension, followed by a period of probation of 19 two (2) years. This Order sets forth the facts upon which the parties have agreed and the 20 sanction to be imposed. In entering into this stipulation, Mr. Martin waives the right to a hearing 21 to contest the finding of fact, conclusion of law and order set forth below. Mr. Martin 22 understands that the probation will be subject to specific conditions. 23 STIPULATION OF FACTS 24 1. Mr. Martin holds a Standard Teaching License with Standard Language Arts and 25 Basic Journalism Endorsements valid January 14, 2000 through November 2, 2005. He was 26 employed by the Sweet Home School District from September 1982, until his resignation 27 effective April 25, 2001, as a High School Language Arts Teacher.

1 2. For the past two years a District-owned computer with Internet access was present in 2 Mr. Martin's classroom for his use in connection with his assigned responsibilities. 3 3. The District has a clearly defined, acceptable use policy. The District's policy prohibits 4 the use or attempted use of equipment for Internet access sexually explicit materials. 5 4. A District employee discovered Mr. Martin's use of the computer to access the 6 Internet on multiple occasions during student contact hours and non-student contact hours, but 7 never in the presence of students. Mr. Martin used his classroom computer on multiple 8 occasions to access sexually explicit materials through the District's Internet connection in 9 violation of District policy regarding Internet use. 10 5. Mr. Martin admits that he should not have used the District computer for viewing 11 sexually explicit materials and has expressed remorse for doing so. 12 6. Mr. Martin has never denied his actions with the School District or TSPC. He has 13 accepted responsibility and acknowledges his mistake. 14 **ULTIMATE FINDING OF FACT** 15 David Martin used the computer equipment owned by his employer, Sweet Home School 16 District, located on school premises, to access sexually explicit materials during the past two 17 years. Mr. Martin was fully aware that accessing such materials at the workplace with a District 18 owned computer was inappropriate and against District policy. 19 **CONCLUSION OF LAW** 20 David Martin's activities constitute gross neglect of duty in violation of OAR 584-020-21 0040(4)(q). 22 This stipulation is contingent upon approval and adoption of the Order by the 23 Commission. If the Commission does not adopt this Order, neither Mr. Martin nor the

Commission are bound by these Stipulations and Mr. Martin retains all rights to a hearing on the

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allegations.

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1 IT IS SO STIPULATED: 2 3 5 6 7 Teacher Standards and Practices Commission 9 ORDER 10 The Oregon Standard Teaching License of David Martin is suspended for a period of 11 ninety (90) days beginning on May 11, 2001. At the end of this suspension period, Mr. Martin's 12 teaching license will be reinstated upon complete application and documentation that he has 13 undergone an evaluation by a psychotherapist or medical professional acceptable to the 14 Commission, and the evaluator submits a written report to the Commission attesting (1) Mr. 15 Martin is fit to work with children and teenagers, and (2) there is a high probability he will not 16 use school district equipment to access sexually explicit materials or engage in similar 17 inappropriate behavior. Any costs associated with the assessment or treatment will be the 18 responsibility of Mr. Martin. 19 Upon the reinstatement of his teaching license, Mr. Martin shall be placed on probation 20 by the Commission for a period of two (2) years subject to the following conditions: 21 1. Mr. Martin shall substantially comply with any treatment or counseling as 22 recommended by the individual who completed the evaluation described above. Mr. Martin 23 shall authorize and sign any consent forms as necessary for the treatment provider or counselor 24 to furnish records to or discuss Mr. Martin's treatment with the Commission. 25 2. Mr. Martin shall comply with all Standards for Competent and Ethical Performance 26 under Chapter OAR 584, Division 020. 27 3. Mr. Martin shall provide information as requested by the Commission to verify that he

has complied with the conditions of probation, including a statement from a future employing

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1	district that he has complied with the Standards for Competent and Ethical Performance under
2	Chapter OAR 584, Division 020.
3	Violation of the terms of this probation may constitute an independent basis for the
4	Commission to impose discipline, up to and including revocation of Mr. Martin's teaching license
5	subject to Mr. Martin's right to a hearing on the issue of whether he violated probation.
6	Dated thisday of May 2001
7	TEACHER STANDARDS AND PRACTICES COMMISSION
8 9 10	By: David V. Myton, Executive Director
11 12	APPROVED AS TO FORM
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14 15 16	Ralph E. Wiser OSB# 81423 Attorney for David Randall Martin