

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 REPRIMAND  
5   MARK J MAYKO   )         AND PROBATION  
6

7           On or about March 26, 2012, the Teacher Standards and Practices Commission  
8   (Commission) received a report from the Gresham-Barlow School District indicating that  
9   Mark Mayko (Mayko), failed to make a mandatory report of a possible child abuse  
10  situation.

11          After review of the matters alleged, Mayko and the Commission agree that their  
12  respective interests, together with the public interest, are best served by a stipulation to  
13  certain facts and the imposition of a public reprimand with a four year probation period.

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

1 attorney prior to entering into this Stipulation and Final Order and issuance and entry of  
2 the Stipulated Final Order below.

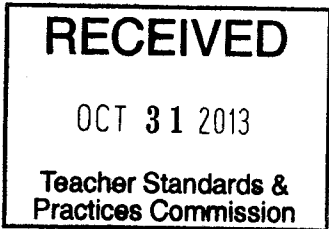
3 **STIPULATION OF FACTS**

- 4 1. Mark J Mayko has been licensed as a teacher in Oregon since September 11, 1998.  
5 Mayko's current Standard Teaching License, with endorsements in Standard  
6 Elementary (016), Standard Exceptional Learner (018), and Middle Level Emphasis  
7 (015), is valid July 16, 2011, through July 15, 2016. During all relevant times, Mayko  
8 was employed by the Gresham-Barlow School District.
- 9 2. On March 26, 2012, the Commission received a report from the Gresham-Barlow  
10 School District indicating that Mayko may have failed to make a mandatory report of  
11 child abuse.
- 12 3. On or about January 2012, an adult aged, special education student shared an  
13 incident in class which has been determined to have constituted "reasonable cause"  
14 that a possible child abuse situation had existed and required mandatory reporting.  
15 The student informed Mayko, and the other students, that over the weekend she and  
16 her boyfriend had smoked marijuana while driving a motor vehicle with the student's  
17 three or four year old foster sibling in the vehicle. Mayko failed to report the possible  
18 child abuse to DHS, local law enforcement, school district administrators or any  
19 other officials.
- 20 4. These statements were made at a time when students were asked to share something  
21 with the class about their weekend. Mayko explained to TSPC investigators that this  
22 student regularly said dramatic things in class to gain attention from the younger  
23 students. Mayko has correctly reported abuse to DHS in the past. Mayko and his  
24 administration believe this desensitization, based on this student's conduct in the  
25 past, contributed to Mayko's failure to report the incident.

26 IT IS SO STIPULATED:

27 Mark J Mayko  
28 Mark J Mayko  
29 Victoria Chamberlain  
30 Victoria Chamberlain, Executive Director  
31 Teacher Standards and Practices Commission  
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10-29-13  
Date  
10-31-13  
Date



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**CONCLUSION OF LAW**

Mark J Mayko's 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 584-020-0040(4)(s) (*Failing to report child abuse pursuant to ORS 419B.010*).

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

**ORDER**

Based on the foregoing, the Commission hereby orders as follows:

- 1. The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a Public Reprimand on Mark J Mayko's Educators License;
- 2. Mayko is hereby placed on probation for a period of four (4) years from the date this order is signed by the Commission subject to the following conditions:
  - a) Mayko shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

Violation of any term or condition of probation shall constitute an independent basis for the Commission to revoke Mayko's educator license, revoke his right to apply for a license, or otherwise impose discipline, after first providing Mayko with notice and opportunity for hearing.

Issued and dated this 11<sup>th</sup> day of November, 2013.

**TEACHER STANDARDS AND PRACTICES COMMISSION  
STATE OF OREGON**

By *Victoria Chamberlain*  
Victoria Chamberlain, Executive Director