

APR 05 2017

Teacher Standards & Practices Commission

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

In the Matter of the)
Educator License of)
AUSTIN WAYNE MARL)
STIPULATION OF FACTS AND
FINAL ORDER OF REVOCATION
OF LICENSURE

On or about February 17, 2016, the Teacher Standards and Practices Commission (Commission) received a report from the Yamhill-Carlton School District indicating Austin Wayne Marl (Marl) was the subject of a school district investigation regarding allegations of inappropriate conduct in violation of professional standards regarding student / teacher boundaries.

After review of the matters alleged, Marl and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the voluntary surrender of Marl's Oregon educator licensure.

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

By signing below, Marl acknowledges, understands, stipulates, and agrees to the following: (i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Revocation of Licensure (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Marl nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the

1 Stipulated Final Order below; (vi) he states that no promises or representation has been made to
2 induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney
3 regarding this Stipulation and Final Order and has been fully advised with regard to his rights
4 thereto, or waives any and all rights to consult with an attorney prior to entering into this
5 Stipulation and Final Order and issuance and entry of the Stipulated Final Order below. In
6 entering into this stipulation, Marl waives the right to a hearing to contest the findings of fact,
7 conclusions of law and order set forth below.


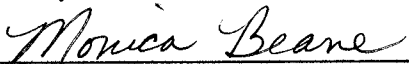
8 **STIPULATION OF FACTS**

- 9 1. The Commission has licensed Marl since March 11, 2014. Marl holds an Initial I
10 Teaching License, with an endorsement in Advanced Mathematics (HS, ML), valid from
11 February 26, 2015, through April 6, 2018. During all relevant times, Marl was employed
12 by the Yamhill-Carlton School District.
- 13 2. On February 17, 2016, the Commission received a report from the Yamhill-Carlton
14 School District alleging that Marl had engaged in misconduct. On January 28, 2016, the
15 district received a complaint from a patron reporting that Marl engaged in a sexual
16 relationship with the patron's 18 year-old daughter (JG) who was a former student of the
17 Yamhill-Carlton School District and was then attending school in Newberg. Investigation
18 determined that JG was a student of Marl's during the 2013-2014 school year until she
19 transferred to the Newberg School District in June of 2014.
20 On or about May of 2015, Marl began privately tutoring JG in math. In June of 2015,
21 Marl and JG began a romantic relationship. JG was an 18 year-old student at the time of
22 the romantic relationship.
23 JG's mother was aware of the relationship. When JG's mother insisted that Marl marry
24 JG, Marl refused. In retaliation, JG's mother reported the relationship to the police and
25 school officials. Law enforcement's investigation determined that no criminal
26 misconduct had occurred and no charges were filed. The Yamhill-Carlton School District

1 determined Marl's conduct violated local policy, and on February 2, 2016, Marl resigned
2 his employment.

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4 IT IS SO STIPULATED:

5 	<u>03-27-17</u>
6 Austin Wayne Marl	Date
7 	<u>4-7-17</u>
8 Dr. Monica Beane, Executive Director	Date
9 Teacher Standards and Practices Commission	

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CONCLUSION OF LAW

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Austin Wayne Marl's conduct described in section two above 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 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(b) (*Refrain from exploiting relationships with any student for personal gain, or in support of persons or issues*), OAR 584-020-0035(1)(c)(A) (*Not demonstrating or expressing professionally inappropriate interest in a student's personal life*), OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and conversations at all times*); and OAR 584-020-0040(4)(f) (*Any sexual conduct with a student*). The Commission may rely on the definitions of sexual conduct in ORS 339.370(9) and OAR 584-020-0005(5). Additionally, your conduct constitutes "gross unfitness" in violation of ORS 342.175(1)(c), OAR 584-020-0040(3)(a) and (d) as defined by OAR 584-020-0040 (5) (*Gross unfitness is any conduct which renders an educator unqualified to perform his or her professional responsibilities*).

1 The Commission's authority to impose discipline in this matter is based upon ORS
2 342.175.

3 **ORDER**

4 The Commission adopts the above Stipulation of Facts, and hereby revokes the Teaching
5 Licensure of Austin Wayne Marl.

6 IT IS SO ORDERED this 7th day of April, 2017.

7 TEACHER STANDARDS AND PRACTICES COMMISSION

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9 By: Monica Beane
10 Dr. Monica Beane, Executive Director