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2 BEFORE THE  
3 TEACHER STANDARDS AND PRACTICES COMMISSION  
4 STATE OF OREGON  
5

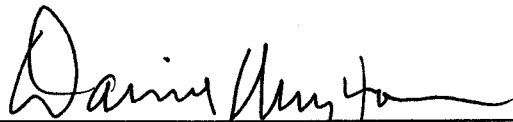
6 In the Matter of the )  
7 Teaching License of )  
8 LEON EARL LINCOLN )  
9 )

10  
11  
12 FINAL ORDER  
13

14 By resolution dated September 18, 1998, the Teacher Standards and Practices  
15 Commission adopts the attached proposed order to issue a Restricted Teaching  
16 License allowing Mr. Lincoln to teach in Mitchell School District, provided Mr.  
17 Lincoln meets all other requirements for a teaching license, including recent  
18 educational experience and place Mr. Lincoln on Probation for four years  
19 subject to conditions stated in this Order. The Restricted Teaching License  
20 shall be in effect from the date of this Order to August 7, 2000.

21  
22 DATED THIS 24<sup>th</sup> day of September, 1998.

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24 TEACHER STANDARDS AND PRACTICES COMMISSION

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26  
27 By   
28 \_\_\_\_\_  
29 David V. Myton, Executive Director  
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31 NOTICE: YOU ARE ENTITLED TO A JUDICIAL REVIEW OF THIS ORDER.  
32 JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW  
33 WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW  
34 IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON  
35 COURT OF APPEALS.  
36  
37

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

In the Matter of the )  
Teaching License of ) PROPOSED ORDER  
LEON EARL LINCOLN )  
)  
)

On August 13, 1998, a panel of the Teacher Standards and Practices Commission (Commission) held a hearing on the application for reinstatement of the teaching license of Leon Earl Lincoln. The hearing panel consisted of Commissioners Toby Clauson, Patrick Pullam and Karen Famous. Ms. Clauson served as chairperson. Joe Gordon McKeever, Assistant Attorney General, represented the Commission staff. Mr. Lincoln appeared personally and testified in support of his request for reinstatement. The hearing was conducted as a contested case hearing and was mechanically tape recorded. The panel heard testimony from the following witnesses: Lane County Deputy Sheriff Les Sieczkowski, Lane County Deputy Sheriff Michael Lamb, Mr. Lincoln, Neal Steinhauer, Thomas Lee Fitzgerald, and Michael Carroll.

The following exhibits were received into evidence without objection:

1. 12/10/91, Stipulation of Facts and Order of Probation.
2. 1/24/95, Investigation Report, Portland Police Bureau.
3. 3/13/95, Petition to Plead Guilty, Multnomah County Circuit Court.
4. 3/20/95, Judgment and Sentencing Order, Multnomah County Circuit Court.

5. 3/21/95, Conditions of Supervision and Probation.
6. 7/9/95, Notice of Probation Violation, Parole and Probation Division.
7. 9/26/95, Final Order of Revocation.
8. 2/7/97, Lane County Custody Report.
9. 2/7/97, Drug Evaluation Report, Lane County Sheriff's Department.
10. 2/7/97, Police Traffic Accident Report.
11. 5/16/97, Judgment and Sentence of Probation, Lane County District Court.
12. 4/8/98, Uniform Traffic Citation and Police Report, Oregon State Police.
13. 6/30/98, Application for Teaching License.
14. 6/2/98, Letter from Mike Carroll, Mitchell School District.
15. 4/30/98, Letter from Students from Spray High School.
16. 5/26/98, Letter from Rick Eggers, Sherman County School District.
17. 5/27/98, Letter from Randy Powell, Condon School District.
18. 4/20/97, Letter from Neal Steinhauer.
19. 4/28/97, Letter from Jim Thomas, Eugene Foursquare Church.
20. 4/29/97, Letter from Bill Bowerman.
21. 4/29/97, Letter from Roscoe Divine, Personnel Source Inc.
22. 7/17/98, Letter from Elpidio Rocha, University of Oregon.
23. 7/19/98, Letter from Anselmo Villanueva, Professor, University of Oregon.
24. 5/12/98, Judgment of Conviction, Sentence and Money Judgment, Wheeler County Justice Court.
25. Letter from Don Lincoln.
26. 2/25/97 Oregon State Police lab report.
27. 8/6/98 letter from Jim Thomas.

28. Letter from Robert Paul.
29. Serenity Lane Certificate of Completion and urinalysis results.
30. Letter from Herman Braime.
31. Addendum to contract.

#### FINDINGS OF FACT

1. On December 10, 1991, the Commission entered an Order finding that Mr. Lincoln violated Commission standards based on a conviction for the crime of prostitution. The Commission placed Lincoln on probation.
2. On March 20, 1995, Mr. Lincoln was convicted in Multnomah County Circuit Court of a crime of frequenting a place where controlled substances (cocaine) were used. Mr. Lincoln was placed on supervised probation for a period of two years and ordered to enter into and complete a drug program.
3. On June 2, 1995, Mr. Lincoln submitted to a drug test as a condition of his probation with the court. On that date, Mr. Lincoln tested positive for cocaine. Thereafter, Mr. Lincoln successfully completed the Multnomah County program with no other positive tests for drugs.
4. On September 26, 1995, the Commission entered an Order revoking the Oregon teaching license of Mr. Lincoln. The Order was based on findings that Mr. Lincoln had been convicted of the crime of frequenting a place where controlled substances are used and a finding that Lincoln had engaged in criminal conduct (possession of a controlled substance). The Commission further found that Mr. Lincoln's conduct substantially and adversely affected his ability to fulfill his professional responsibilities.
5. In the latter part of 1996, Mr. Lincoln moved to Eugene, Oregon. On February 7, 1997, Mr. Lincoln was involved in a traffic accident near Coburg, Oregon, when he drove his car into a ditch and then into the path of an oncoming vehicle, causing a collision. Mr. Lincoln was administered field sobriety tests at the scene of the accident and at the offices of the Lane County Sheriff. Mr. Lincoln's performance on the tests indicated he was under the influence of intoxicants. Mr. Lincoln stated to the police that he had taken various prescription medications and had snorted three or four lines of cocaine prior to the accident. Mr. Lincoln submitted to a urinalysis which revealed the presence of cocaine and a cocaine metabolite in his system.

6. Mr. Lincoln entered a guilty plea and was convicted of driving under the influence of intoxicants in Lane County District Court on May 16, 1997. The court sentenced Lincoln to six days in jail and placed him on probation for two years with a requirement that Mr. Lincoln attend and complete the Serenity Lane New Hope Alcohol and Drug Program.
7. Mr. Lincoln successfully completed the Serenity Lane program which included random drug testing.
8. On April 8, 1998, Mr. Lincoln was charged with driving while suspended and was convicted of driving while suspended in Wheeler County Justice Court on May 12, 1998.
9. Over the last 18 months, Mr. Lincoln has participated in various volunteer programs involving elementary and high school students. Mr. Lincoln has also been involved in church sponsored youth programs in the Eugene area and in Wheeler County, Oregon.
10. The Commission heard testimony and received letters from several witnesses, testifying to Mr. Lincoln's skill and enthusiasm in working with students and supporting Mr. Lincoln's application for reinstatement of his teaching license.
11. Michael Carroll, Superintendent of the Mitchell School District, appeared as a witness in support of Mr. Lincoln's application for reinstatement. Mr. Carroll testified that the Mitchell School District is willing to offer Mr. Lincoln employment as a teacher. Mr. Carroll was present for the hearing and heard the evidence concerning Mr. Lincoln's background and incidents concerning drug usage. Mr. Carroll indicated that the district is willing to assist the Commission in insuring Mr. Lincoln's compliance with any conditions of probation the Commission may impose.

#### CONCLUSION OF LAW

The Commission has discretion under ORS 342.175(3) to require an applicant for reinstatement to furnish satisfactory evidence of good moral character, mental and physical health and such other evidence as the Commission may consider necessary to establish the applicant's fitness. The Commission may also impose a probationary period and such conditions as the Commission considers necessary upon reinstatement.

DISCUSSION

Mr. Lincoln has violated several Commission standards, beginning in 1991. These violations indicate a pattern of conduct which causes concern to the Commission. In its last Order, the Commission indicated that it expected Mr. Lincoln to remain drug free from that time forward. Mr. Lincoln has failed to meet that expectation by ingesting cocaine on at least one occasion. On the other hand, the Commission recognizes Mr. Lincoln's successful completion of the Serenity Lane Treatment Program. The Commission also finds some evidence that Mr. Lincoln has taken responsibility for his actions and may have turned the corner in dealing with his drug dependence.

A predominant factor is that the Mitchell School District is willing to employ Mr. Lincoln with full knowledge of Mr. Lincoln's previous circumstances, and that the school district is willing to assist in monitoring Mr. Lincoln's compliance with terms of probation.

Based on the above, the Commission agrees to issue a restrictive <sup>ed</sup>~~ive~~ license subject to the terms and conditions set forth below. (CD)

ORDER

If Mr. Lincoln meets all other requirements for a teaching license, including recent educational experience, the Commission orders that Mr. Lincoln be issued a restrictive <sup>ed</sup>~~ive~~ teaching license under OAR 584-042-0025 allowing Mr. Lincoln to teach in the Mitchell School District. The restrictive <sup>ed</sup>~~ive~~ license shall be in (CD)

effect from the date of this Order to August 7, 2000. At that time if Mr. Lincoln has met all terms of probation, the Commission staff shall renew Mr. Lincoln's license without restrictions but subject to the terms and conditions of probation as set forth below.

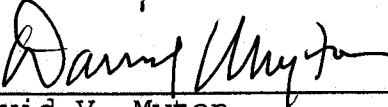
Mr. Lincoln shall be placed on probation to the Commission for a period of four years subject to the following conditions:

1. Mr. Lincoln shall enter into a contract with the Mitchell School District containing the following requirements:
  - a. Lincoln shall not consume or have any association with illegal drugs at any time during his employment with the Mitchell School District. Mr. Lincoln shall not consume prescription medications except as prescribed by his physician.
  - b. Mr. Lincoln shall submit to random drug testing at the request of the Mitchell School District at any time during his employment with the district, and the district shall conduct at least five random drug tests during the first year of Mr. Lincoln's employment and a minimum of three random drug tests during the second year of Mr. Lincoln's employment with the district. The district shall provide to the Executive Director of the Commission copies of the written drug test results obtained by the district.
  - c. Mr. Lincoln shall attend meetings at least once a week of Narcotics Anonymous or Alcoholics Anonymous organizations in the Wheeler County area or in another area during periods of time, such as school breaks and summer vacations, when Mr. Lincoln may be outside Wheeler County. Mr. Lincoln shall make arrangements for the NA or AA organization to track his attendance at the meetings and report his attendance to the Mitchell School District.
  - d. Mitchell School District shall inform the Commission if Mr. Lincoln fails to comply with any of the requirements of his agreement with the district.

2. Mr. Lincoln's obligations under paragraph 1 shall also be conditions of his probation.
3. Mr. Lincoln shall comply with all Standards of Competent and Ethical Performance of Oregon Educators under OAR 584 Division 20.

Failure to comply with any condition of probation shall be a basis in itself for discipline, up to and including revocation of Mr. Lincoln's teaching license, and subject to Lincoln's right to a hearing on the issue of whether he violated his probation.

DATED this 24<sup>th</sup> day of September 1998.

  
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David V. Myton  
Executive Director