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DISCUSSION

Mr. Allen's conduct clearly warrants a suspension of his teaching license. In imposing a sanction, the Commission has considered the factors listed under OAR 584-020-0045 and all other relevant factors. Significant aggravating factors include the fact that Mr. Allen's conduct was dishonest and directly related to his professional responsibilities. His conduct was also not an isolated event; it was continuous and ongoing, until discovered by school officials.

Significant mitigating factors include the fact that Mr. Allen has repaid all of the funds that he improperly spent, and that his employing school district has indicated support for Mr. Allen as a teacher and has expressed an intent to rehire Mr. Allen at the end of his term of suspension.

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ORDER

The Oregon Teaching License of Mark Paul Allen is suspended for a period of five (5) months from July 1, 2002 through November 30, 2002. Upon expiration of the period of suspension, Mr. Allen's teaching license shall be reinstated upon the following conditions:


1. Mr. Allen shall submit an application for reinstatement as provided under OAR 584-050-0015.
2. Mr. Allen shall, at his own expense, obtain an evaluation by an evaluator who is acceptable to the Commission. The evaluator shall provide a written report to the Commission. The report shall contain the following:
 - a. A list of the processes and techniques used in the evaluation, e.g. testing, interviews, etc., and a list of the materials used and reviewed in the evaluation.

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- b. A statement of the evaluator's findings and an explanation for the basis of these findings. The evaluator's findings and explanation need not include a detailed medical history or a specific medical diagnosis, unless, in the sole judgment of the evaluator, such information is necessary to provide a full and accurate response.
 - c. A statement that, in the professional opinion of the evaluator, Mr. Allen is fit to work with students, and that there is a high probability he will not engage in dishonest or fraudulent activity or other inappropriate behavior in the future.
 - d. A recommendation as to whether Mr. Allen should participate in continued therapy, counseling or treatment.
5. At the outset of the evaluation, Mr. Allen shall provide a copy of this order and a copy of the Commission's investigation report dated February 7, 2002 to the evaluator. Mr. Allen shall cooperate in the evaluation which may include testing, interviews and any other activities the evaluator may consider necessary to complete the evaluation.
6. The Commission will consider the evaluator's report to be a medical record containing personal information the disclosure of which would constitute an unreasonable invasion of privacy. The Commission agrees not to disclose the report to third parties unless ordered to do so under Oregon law.
7. Upon reinstatement of his teaching license, Mr. Allen shall be placed on probation for a period of three (3) years, subject to the following conditions:

- 1) Mr. Allen shall comply with all standards for competent and ethical performance under OAR 584 Div 020.
- 2) Mr. Allen shall participate in continuing therapy, counseling or treatment as recommended by the evaluator in paragraph 2 above.
- 3) Mr. Allen shall provide consent for his treatment provider to contact the Commission or to respond to Commission inquiries in order to verify Mr. Allen's participation and cooperation in any treatment recommended by the evaluator.
- 4) Violation of any conditions of probation may constitute an independent basis for the Commission to impose discipline, up to and including revocation of Mr. Allen's Oregon Teaching License, subject to his right to a hearing on the issue of whether he violated probation.

IT IS SO ORDERED this 2nd day of August, 2002.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: 
Victoria Chamberlain, Executive Director