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STATE OF OREGON

2

TEACHER STANDARDS AND PRACTICES COMMISSION

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In the Matter of the Teaching License of:

)

FINAL ORDER BY DEFAULT

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JOEL EDWARD MALONE

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On September 27, 1995, the Teacher Standards and Practices

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Commission (Commission) issued a Notice of Opportunity for

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Hearing proposing to suspend or revoke the teaching license of

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Joel Edward Malone (Malone) or otherwise impose discipline under

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ORS 342.177. On October 17, 1995, Malone requested a hearing,

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and the Commission scheduled a hearing for May 29-30, 1996.

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After the date was set, Malone asked for a change to June 5-6,

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1996, and the hearing was changed to that date. Malone's request

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to change the hearing date again to June 10-11, 1996, was denied.

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Malone did not appear at the hearing. The Commission finds

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Malone in default and enters this order based on the hearing

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record which consists of the records and files of the Commission

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in this matter.

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FINDINGS OF FACT

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1. Malone holds an Oregon teaching license. He was

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employed as a history teacher at Gresham High School in the

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Gresham-Barlow School District from 1980 to 1995.

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2. During the fall of 1994, Malone began counseling a

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female student for an alleged eating disorder. Malone encouraged

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the student to transfer into one of his classes and to become his

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aide, which the student did.

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1           3.     During that time, Malone began having inappropriate  
2 communications with the student at the school and away from the  
3 school campus, including at the student's home. These  
4 conversations included discussions of his marital problems and  
5 the physical attributes of himself and the student. Malone also  
6 engaged in activities with the student off-campus, including  
7 jogging and basketball, giving the student rides, and visiting  
8 the student at her home. He also began the pattern of repeated  
9 telephone calls to the student, both before and after school,  
10 both at her home and other locations.

11           4.     Malone was cautioned by school and district  
12 administrators in fall 1994 regarding signs of an inappropriate  
13 relationship with the student. Malone ignored these warnings and  
14 continued this relationship. Because of their concerns regarding  
15 his actions, the student's parents insisted that the student  
16 transfer from his courses at the end of the semester.

17           5.     During the 1994 Christmas break and at other times,  
18 Malone talked with the student about topics he found sexually  
19 stimulating. He exhibited inappropriate behavior by kissing the  
20 student and hugging her closely to him while he was in a sexually  
21 aroused state.

22           6.     Malone continued to make contact with the student, both  
23 at school and at home, even after the student indicated that his  
24 attention was not wanted. He called her home repeatedly, sent  
25 her notes, followed her at school to the point of attempting to  
26 pass a note to her in the girls' locker room, and watched her at

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1 her basketball practices. Malone told the student that his  
2 marriage was a mistake, that he loved her and was willing to  
3 leave his job and family to be with her. He also discussed the  
4 physical attributes of the children they would have if they were  
5 together. Malone attempted to contact the student and her family  
6 even after Malone was given specific instructions by the parents  
7 not to do so. Malone also attempted on or about April 2, 1995,  
8 to contact the student at her home despite specific directives  
9 from the School District to have no further contact with her.

#### 10 ULTIMATE FINDINGS OF FACT

11 1. Throughout the 1994-95 school year, Malone had  
12 inappropriate communications with a female student at school and  
13 at numerous times away from the school campus.

14 2. Malone inappropriately kissed and hugged the student  
15 closely to him while he was in a sexually aroused state.

16 3. Malone continue to make contact with the student even  
17 after the student indicated the contact was unwanted, and after  
18 both her parents and the district specifically instructed him to  
19 have no further contact with her.

#### 20 CONCLUSIONS OF LAW

21 The conduct described in paragraphs 1, 2, and 3 of the  
22 Ultimate Findings of Fact constitute gross neglect of duty as  
23 that term is defined under ORS 342.175(1) and OAR 584-20-040.

#### 24 OPINION

25 The violations in this case are extremely serious and  
26 directly related to a teacher's responsibility to students and

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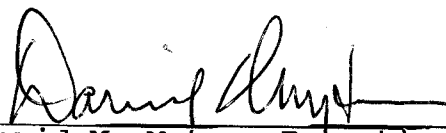
1 the school community. Malone has caused serious damage to his  
2 former student and her family, and has violated his position of  
3 trust as a teacher.

4 ORDER

5 The teaching license of Joel Edward Malone is hereby  
6 revoked.

7 DATED this 6<sup>th</sup> day of August, 1996.

8  
9 TEACHERS STANDARDS AND PRACTICES COMMISSION

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11 By:   
12 David M. Myton, Executive Secretary

13 NOTICE: YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER.  
14 JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION  
15 FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS  
ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS  
OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

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CERTIFICATE OF MAILING

I hereby certify that I served the foregoing Default Order by mailing a true copy thereof, certified by me as such, and U. S. Certified Mail, with Return Receipt Requested addressed to attorney for Joel Edward Malone:

JAN WYERS  
1103 STANDARD PLAZA  
1100 SW SIXTH AVENUE  
PORTLAND OR 97204-1019

Dated this 6<sup>th</sup> day of August, 1996.

By:   
Charlene A. Smith  
Secretary to the Commission