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Teachers Standards
and Practices CommissionBEFORE THE TEACHERS STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGONIn the Matter of the
Teaching License of
ROGER THOMAS LOWESTIPULATION AND ORDER OF
SUSPENSION

On or about February 10, 2000, the Teacher Standard and Practices Commission (Commission) notified Roger Thomas Lowe (Mr. Lowe) that a report had been filed alleging that Mr. Lowe misused his school computer to access sexually explicit material over the Internet. The complaint was filed by Walt Blomberg, the personnel director of the Woodburn School District.

Mr. Lowe fully cooperated with the Commission's investigation and did not contest the allegation. After a review of the matters alleged, Mr. Lowe and the Commission have agreed that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the imposition of a 90 day suspension, followed by a period of probation of two years. This Order sets forth the facts upon which the parties have agreed and the sanction to be imposed. In entering into this stipulation, Mr. Lowe waives his right to a hearing to contest the findings of fact, conclusion of law and order set forth below.

STIPULATED FACTS

1. Mr. Lowe holds an Oregon Teaching License. He was employed by the Woodburn School District as a teacher and coach at French Prairie Middle School from approximately 1995 until February 29, 2000, when he resigned effective the end of the school year. Mr. Lowe has a positive record with the Woodburn School District.
2. During the 1999-2000 school year, a District-owned computer with Internet access was placed in Mr. Lowe's classroom for his use in connection with his assigned responsibilities.
3. At the time Mr. Lowe was issued a District-owned computer, there was no "acceptable use" policy in force. There was also no "screening" software to prevent users from accessing to any category of material available on the Internet. Mr. Lowe was never instructed not to use the computer for personal purposes.
4. After Mr. Lowe had used his classroom computer for some time, the District installed monitoring software to prohibit all users on the District's network from accessing sexually explicit or pornographic web sites. The District did not notify any of the computer users that this software was being installed.

5. The screening software installed by the District was programmed to keep a record of attempts by any users to access "adult" sites banned under the screening mechanism.
6. The District's screening software recorded that on multiple occasions during non-student contact time, Lowe used his classroom computer to access sexually explicit materials through the Internet.
7. No students were present at the times Mr. Lowe viewed the above materials on the computer, nor was there any risk of students viewing the inappropriate material. However, Mr. Lowe realized that he should not have used the computer for viewing sexually explicit materials and expressed remorse for so doing.

ULTIMATE FINDING OF FACT

Roger Lowe used computer equipment owned by his employing school district and located on school premises to access sexually explicit materials. Although Mr. Lowe believed that his conduct was private, he should have known that accessing such materials at the workplace with a District-owned computer was inappropriate.

CONCLUSION OF LAW

Roger Lowe's activities constituted gross neglect of duty in violation of ORS 584-020-0040940(a).

This stipulation is contingent upon approval and adoption of the Order by the

Commission. If the Commission does not adopt this Order, neither Mr. Lowe nor the Commission are bound by these Stipulations and Mr. Lowe retains all rights to a hearing on the allegations.

It is so stipulated:

Roger Lowe
Roger Lowe

May 8, 2000
Date

David V. Myton
David V. Myton, Executive Director

5/16/00
Date

ORDER

The Oregon Teaching License of Roger Lowe is suspended for a period of 90 days from May 1, 2000. At the end of this suspension period, Mr. Lowe's teaching license will be reinstated upon application and a showing by Mr. Lowe that he has undergone an evaluation at his own expense by a psychotherapist or medical professional acceptable to the Commission, and the evaluator submits a written report to the Commission attesting (1) Mr. Lowe is fit to work with children and teenagers and (2) there is a high probability he will not use school district equipment to access sexually explicit materials or engage in similar inappropriate behavior.

Following the reinstatement of his teaching license, Mr. Lowe shall be placed on probation by the Commission for a period of two years subject to the following conditions:

1. Mr. Lowe shall substantially comply with any treatment or counseling as recommended by the individual who completed the evaluation described above.
2. Mr. Lowe shall comply with all Standards for Competent and Ethical Performance under OAR 584, Division 020.
3. Mr. Lowe shall provide information as requested by the Commission to verify that he has complied with the conditions of probation.

Dated with 16th day May, 2000.

By: David V. Myton
David V. Myton, Executive Director

5/16/00
Date: