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OF THE STATE OF OREGON

3	In the Matter of the)	STIPULATION OF FACTS AND
4	Educator License of)	FINAL ORDER OF PUBLIC
5	JERRY MARK ALLEN)	REPRIMAND AND PROBATION
6			
7	On July 20, 2018, the Teacher Standards and Practices Commission		

On July 20, 2018, the Teacher Standards and Practices Commission (Commission) received a report from the Portland Public Schools (PPS) indicating possible professional misconduct on the part of licensed educator, Jerry Mark Allen (Allen).

After review of the matters alleged, Allen and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, the imposition of a Public Reprimand, and a period of probation.

This Order sets forth the facts upon which the parties have agreed and the sanction to be imposed. Allen stipulates that there are sufficient facts contained in the Commission's files and records to support the findings of fact and conclusions of law set forth below. In entering into this stipulation, Allen waives the right to a hearing to contest the findings of fact, conclusions of law and order set forth below.

By signing below, Allen 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 Public Reprimand and Probation (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 Allen 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 Stipulated Final Order below; (vi) he states that no promise or representation has been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with regard to his rights thereto, or waives any and all rights to consult with an

attorney prior to entering into this Stipulation and Final Order and issuance and entry of
 the Stipulated Final Order below.

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STIPULATION OF FACTS

- The Commission has licensed Allen since September 10, 1998. Allen holds a
 Professional Teaching License, with endorsements in Elementary Multiple
 Subjects (PK-12); Foundational Mathematics (PK-12); and Foundational Science
 (PK-12), valid from January 29, 2016, through January 28, 2021. During all
 relevant times, Allen was employed by PPS.
- 2. On July 20, 2018, the Commission received a district report alleging Allen had violated professional standards and local policy related to a confrontational interaction with a student. On April 19, 2018, educator Johnson directed student OB not to enter her classroom and to report to another classroom. This request was made due to ongoing disciplinary issues with OB. Allen was standing next to Johnson outside her classroom during the passing time between classes and observed OB as he defied Johnson's directions and entered her classroom. Johnson had previously shared with Allen that she was having difficulty with OB ignoring her directions, and when he defied her this time, she said to Allen, "see, this is what I mean." Allen called out to OB, but OB ignored him too. Allen then grabbed OB's backpack with one hand to get OB's attention. OB turned around to face Allen, and Allen let go of the backpack. Allen told OB that he needed to go to the other classroom and pointed in that direction. When OB failed to comply with Allen's request, Allen repeated his request with a firm tone. The district investigated and determined Allen's conduct violated district policy and past directives issued to Allen as related to proper student management and unnecessary physical contact with students.
- 3. On November 9, 2017, Allen entered into a Letter of Informal Reproval agreement with the Commission. This agreement included a two year monitoring period (11/09/2017 thru 11/09/2019) in which Allen agreed to the following condition(s):
 - a. You (Allen) will comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

1 Allen's Letter of Informal Reproval further stated, "During the monitoring 2 period, if Allen fails to comply with the terms of this Reproval, the Commission 3 may take disciplinary action based on one or both of the following: 4 The conduct underlying this Reproval; or 1. 5 Failure to comply with the terms of this Reproval. 2. 6 Failure to comply with these terms constitutes an independent basis for the 7 Commission to impose public discipline which may include any discipline 8 available to the Commission by rule, up to and including revocation of Allen's 9 license, after first providing him with notice and opportunity for hearing." 10 11 IT IS SO STIPULATED 12 13 14 15 Trent Danowski, Deputy Director 16 17 Teacher Standards and Practices Commission 18 19 20 CONCLUSION OF LAW 21 The conduct described in section two (2) above constitutes gross neglect of duty in 22 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-23 020-0010(5) (Use professional judgment), OAR 584-020-0020(2)(d) (Skill in the supervision of students), and OAR 584-020-0025(2)(e) (Using district lawful and 24 25 reasonable rules and regulations). 26 The conduct described in section three (3) above constitutes gross neglect of duty 27 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), and OAR 584-050-0125(5)(b) (If an educator 28 fails to comply with the terms of a letter of informal reproval, the Commission may take 29 disciplinary action against the educator based on failure to comply with the terms of the 30 31 letter of informal reproval). 32 33 The Commission's authority to impose discipline in this matter is based upon 34 ORS 342.175.

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2	The Commission adopts and incorporates herein the above findings of fact and		
3	conclusions of law, and based thereon, imposes a Public Reprimand on Jerry Mark		
4	Allen's Oregon educator license.		
5	Furthermore, the Commission imposes a period of two (2) years of probation		
6	upon Allen's licensure to commence from the date this order is signed by the		
7	Commission and subject to the following conditions:		
8			
9	1. Allen shall comply with the Standards for Competent and Ethical Performance of		
10	Oregon Educators under Oregon Administrative Rules Chapter 584, Division		
11	020.		
12	Issued and dated this day of June, 2019.		
13	TEACHER STANDARDS AND PRACTICES COMMISSION		
14	STATE OF OREGON		
15			
16	By h		
17	Dr. Anthony Rosilez, Executive Director		

ORDER



MAY 2 0 2019

Teacher Standards & Practices Commission