1	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2	OF THE STATE OF OREGON
3 4 5	In the Matter of the STIPULATION OF FACTS AND Educator License of STIPULATION OF FACTS AND FINAL ORDER OF REPRIMAND AND PROBATION
6 7	On or about March 26, 2012, the Teacher Standards and Practices Commission
8	(Commission) received a report from the Gresham-Barlow School District indicating that
9	Mark Mayko (Mayko), failed to make a mandatory report of a possible child abuse
10	situation.
11	After review of the matters alleged, Mayko and the Commission agree that their
12	respective interests, together with the public interest, are best served by a stipulation to
13	certain facts and the imposition of a public reprimand with a four year probation period.
14	By signing below, Mayko acknowledges, understands, stipulates, and agrees to
15	the following: (i) he has been fully advised of his rights to notice and a hearing to contest
16	the findings of fact, conclusions of law, and order set forth below, and fully and finally
17	waives all such rights and any rights to appeal or otherwise challenge this Stipulation of
18	Facts and Final Order of Reprimand and Probation (Stipulation and Final Order); (ii)
19	this Stipulation and Final Order is a public document and disclosed to the public upon
20	request to the Commission; (iii) this Stipulation and Final Order is contingent upon and
21	subject to approval and adoption by the Commission. If the Commission does not
22	approve and adopt this Stipulation and Final Order, then neither Mayko nor the
23	Commission are bound by the terms herein; (iv) he has fully read this Stipulation and
24	Final Order, and understands it completely; (v) he voluntarily, without any force or
25	duress, enters into this Stipulation and Final Order and consents to issuance and entry of
26	the Stipulated Final Order below; (vi) he states that no promise or representation has
27	been made to induce him to sign this Stipulation and Final Order; and (vii) he has
28	consulted with an attorney regarding this Stipulation and Final Order and has been fully
29	advised with regard to his rights thereto, or waives any and all rights to consult with an

1	att	orney prior to entering into this Stipulation and Final Order and issuance and entry of
2	the	e Stipulated Final Order below.
3		STIPULATION OF FACTS
4 5 6 7 8	1.	Mark J Mayko has been licensed as a teacher in Oregon since September 11, 1998. Mayko's current Standard Teaching License, with endorsements in Standard Elementary (016), Standard Exceptional Learner (018), and Middle Level Emphasis (015), is valid July 16, 2011, through July 15, 2016. During all relevant times, Mayko was employed by the Gresham-Barlow School District.
9 10 11	2.	On March 26, 2012, the Commission received a report from the Gresham-Barlow School District indicating that Mayko may have failed to make a mandatory report of child abuse.
12 13 14 15 16 17 18	3.	On or about January 2012, an adult aged, special education student shared an incident in class which has been determined to have constituted "reasonable cause" that a possible child abuse situation had existed and required mandatory reporting. The student informed Mayko, and the other students, that over the weekend she and her boyfriend had smoked marijuana while driving a motor vehicle with the student's three or four year old foster sibling in the vehicle. Mayko failed to report the possible child abuse to DHS, local law enforcement, school district administrators or any other officials.
20 21 22 23 24 25 26	4·	These statements were made at a time when students were asked to share something with the class about their weekend. Mayko explained to TSPC investigators that this student regularly said dramatic things in class to gain attention from the younger students. Mayko has correctly reported abuse to DHS in the past. Mayko and his administration believe this desensitization, based on this student's conduct in the past, contributed to Mayko's failure to report the incident. IS SO STIPULATED:
27 28 29 30 31 32 33	Vi	Marko Mayko Date 10-29-13 Date Date
34		RECEIVED
35		OCT 31 2013

Teacher Standards & Practices Commission

1 CONCLUSION OF LAW 2 Mark J Mayko's conduct constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use 3 4 professional judgment); OAR 584-020-0040(4)(s) (Failing to report child abuse pursuant to 5 ORS 419B.010). The Commission's authority to impose discipline in this matter is based upon ORS 6 7 342.175. 8 ORDER 9 Based on the foregoing, the Commission hereby orders as follows: 10 1. The Commission adopts and incorporates herein the above findings of fact and 11 conclusions of law, and based thereon, imposes a Public Reprimand on Mark J 12 Mayko's Educators License; 13 2. Mayko is hereby placed on probation for a period of four (4) years from the date this order is signed by the Commission subject to the following conditions: 14 a) Mayko shall comply with the Standards for Competent and Ethical Performance 15 16 of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 17 020. 18 Violation of any term or condition of probation shall constitute an independent basis for 19 the Commission to revoke Mayko's educator license, revoke his right to apply for a license, or otherwise impose discipline, after first providing Mayko with notice and 20 21 opportunity for hearing. Issued and dated this day of November, 2013. 22 TEACHER STANDARDS AND PRACTICES COMMISSION 23 STATE OF QREGON 24 25 26 ctoria Chamberlain, Executive Director 27