

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
2 OF THE STATE OF OREGON

3 In the Matter of the ) STIPULATION OF FACTS,  
4 Teaching License of ) ORDER OF SUSPENSION  
5 THOMAS ALVIN O'REILLY ) AND PROBATION

6 On or about the April 26, 2004, the Teacher Standards and Practices  
7 Commission (Commission) received a report from Michael Call, Superintendent,  
8 Estacada School District, indicating that Thomas Alvin O'Reilly (O'Reilly) used his  
9 school computer to access sexually explicit material on the Internet.

10 After review of the matters alleged, Mr. O'Reilly and the Commission agree that  
11 their respective interests, together with the public interest, are best served by a  
12 stipulation to certain facts and the imposition of a ninety (90) day suspension of  
13 licensure followed by two (2) year period of probation upon reinstatement of Licensure.

14 This Order sets forth the facts upon which the parties have agreed and the  
15 sanction to be imposed. Mr. O'Reilly stipulates that there are sufficient facts contained  
16 in the Commission's files and records to support the findings of fact and conclusions of  
17 law set forth below. In entering into this stipulation, Mr. O'Reilly waives the right to a  
18 hearing to contest the findings of fact, conclusions of law and order set forth below.  
19 Mr. O'Reilly understands that the probation will be subject to specific conditions.

20 This stipulation is contingent upon approval and adoption of the Order by the  
21 Commission. If the Commission does not adopt this Order, neither Mr. O'Reilly nor the  
22 Commission are bound by these Stipulations and Mr. O'Reilly retains all rights to a  
23 hearing on the allegations.

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1 **STIPULATION OF FACTS**

2 1. Mr. O'Reilly holds a Standard Teaching License issued April 2, 2001, valid  
3 through April 4, 2006, with a Basic Elementary and Standard Handicapped Learning  
4 License.

5 2. Mr. O'Reilly began employment with the Estacada School District as a  
6 Learning Specialist at Estacada Junior High School in August of 1997. On May 3, 2004,  
7 Mr. O'Reilly resigned his teaching position effective April 30, 2004.

8 3. A District-owned computer with Internet access was present in Mr. O'Reilly's  
9 classroom for his use in connection with his assigned responsibilities. The District has a  
10 clearly defined, acceptable use policy. The District's policy prohibits the use or  
11 attempted use of equipment for Internet access of sexually explicit materials.

12 4. Mr. O'Reilly used his classroom computer on April 1, 2, 5, 6, 7, and 8, 2004, to  
13 access sexually explicit materials through the District's Internet connection in violation of  
14 District policy regarding Internet use.

15 IT IS SO STIPULATED:

16 Thomas Alvin O'Reilly  
17 Thomas Alvin O'Reilly

9/8/04  
Date

18 Victoria Chamberlain  
19 Victoria Chamberlain, Executive Director  
20 Teacher Standards and Practices Commission

8-27-04  
Date

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**ULTIMATE FINDING OF FACT**

Thomas Alvin O'Reilly used the computer equipment owned by his employer, Estacada School District, located on school premises, to access sexually explicit materials. Mr. O'Reilly was fully aware that accessing such materials at the workplace using a District owned computer was inappropriate and in violation of District policy.

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**CONCLUSION OF LAW**

Thomas Alvin O'Reilly's inappropriate use of a District computer constitutes Gross Neglect of Duty in violation of OAR 584-020-0040(4)(q) and OAR 584-020-0035(2)(e). The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

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2 **ORDER**

3 Thomas Alvin O'Reilly's Standard Teaching License is suspended for a period of  
4 ninety (90) days effective on October 10<sup>th</sup>, 2004. At the end of this suspension period,  
5 Mr. O'Reilly's Standard Teaching License will be reinstated upon:

6 1. Submission of a complete application and fees pursuant to OAR 584-050-  
7 0015(3); and

8 2. Submission of documentation that he has undergone an evaluation by a  
9 psychotherapist or medical professional acceptable to the Commission, and the  
10 evaluator submits a written report to the Commission attesting (a) Mr. O'Reilly is fit to  
11 work with children and teenagers, and (b) there is a high probability he will not use  
12 school district equipment to access sexually explicit materials or engage in similar  
13 inappropriate behavior. Any costs associated with the assessment or treatment will be  
14 the responsibility of Mr. O'Reilly.

15 Upon the reinstatement of licensure, Mr. O'Reilly shall be placed on probation by  
16 the Commission for a period of two (2) years, subject to the following conditions:

17 1. Mr. O'Reilly shall substantially comply with any treatment or counseling as  
18 recommended by the individual who completed the evaluation described above.

19 Mr. O'Reilly shall authorize and sign any consent forms as necessary for the treatment  
20 provider or counselor to furnish records to or discuss Mr. O'Reilly's treatment with the  
21 Commission.

22 2. Mr. O'Reilly shall comply with all Standards for Competent and Ethical  
23 Performance of Oregon Educators under Oregon Administrative Rules, Chapter 584,  
24 and Division 020.

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1 3. Mr. O'Reilly shall provide information as requested by the Commission to  
2 verify that he has complied with the conditions of probation, including a statement from  
3 a future employing district that he has complied with the Standards for Competent and  
4 Ethical Performance of Oregon Educators.

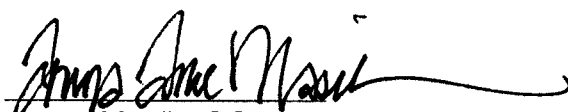
5 Violation of the terms of this probation may constitute an independent basis for  
6 the Commission to impose discipline, up to and including revocation of Mr. O'Reilly's  
7 teaching license subject to Mr. O'Reilly's right to a hearing on the issue of whether he  
8 violated probation.

9 IT IS SO ORDERED this 7 day of October, 2004.

10 TEACHER STANDARDS AND PRACTICES COMMISSION

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12 By:   
Victoria Chamberlain, Executive Director

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15 APPROVED AS TO FORM

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18 Aruna Masih, OSB#97324  
19 Attorney for Thomas Alvin O'Reilly

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