## BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2	OF THE STATE OF OREGON
3 4 5	In the Matter of the ) STIPULATION OF FACTS, Teaching License of ) ORDER OF SUSPENSION THOMAS WARNER HOLLING ) AND PROBATION
6	On or about May 13, 2005, the Teacher Standards and Practices Commission
7	(Commission) received a report from Pat Bedore, Superintendent, Greater Albany Public School
8	District, indicating that Thomas Warner Holling (Holling) used his school computer to access
9	sexually explicit material on the Internet.
10	After review of the matters alleged, Mr. Holling and the Commission agree that their
11	respective interests, together with the public interest, are best served by a stipulation to certain
12	facts and the imposition of a ninety (90) day suspension of licensure followed by four (4) year
13	period of probation upon reinstatement of Licensure.
14	This Order sets forth the facts upon which the parties have agreed and the sanction to
5	be imposed. Mr. Holling stipulates that there are sufficient facts contained in the Commission's
16	files and records to support the findings of fact and conclusion of law set forth below. In
17	entering into this stipulation, Mr. Holling waives the right to a hearing to contest the findings of
18	fact, conclusions of law and order set forth below. Mr. Holling understands that the probation
19	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. Holling nor the
22	Commission are bound by these Stipulations and Mr. Holling retains all rights to a hearing on
23	the allegations.
24	STIPULATION OF FACTS
25	1. Mr. Holling holds a Standard Teaching License issued November 14, 2003, valid
26	through December 16, 2008, with endorsements in Basic Language Arts, Basic Reading, Basic

Social Studies and Standard Handicapped Learner.

1	2. Mr. Holling was employed by the Greater Albany School District beginning
2	February 22, 1977, until June of 2005 when he retired.
3	3. A District-owned computer with Internet access was present in Mr. Holling's
4	classroom for his use in connection with his assigned responsibilities. The District has an
5	acceptable use policy. The District's policy prohibits the use or attempted use of equipment for
6	Internet access of sexually explicit materials.
7	4. District records indicate that Mr. Holling used his classroom computer from April 1,
8	2005 to May 2, 2005, to access sexually explicit materials through the District's Internet
9	connection in violation of District policy regarding Internet use.
10	IT IS SO STIPULATED:
11 12	Thomas Warner Holling Date Date Date
13 <u>(</u>	Victoria Chamberlain, Executive Director Teacher Standards and Practices Commission  7 - 25 - 5  Date
16	ULTIMATE FINDING OF FACT
17	Thomas Warner Holling used the computer equipment owned by his employer, Greater
18	Albany Public School District, located on school premises, to access sexually explicit materials.
19	Mr. Holling was fully aware that accessing such materials at the workplace using a District
20	owned computer was inappropriate and in violation of District policy.
21	CONCLUSION OF LAW
22	Thomas Warner Holling's inappropriate use of a District computer constitutes Gross
23	Neglect of Duty in violation of OAR 584-020-0040(4)(q). The Commission's authority to impose
24	discipline in this matter is based upon ORS 342.175.
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1 ORDER Thomas Warner Holling's Standard Teaching License is suspended for a period of ninety 3 (90) days effective August 5, 2005. At the end of this suspension period, 4 Mr. Holling's Standard Teaching License will be reinstated upon: 5 1. Submission of a complete application and fees pursuant to OAR 584-050-0015(3); 6 and 7 2. Submission of documentation that he has undergone an evaluation by a 8 psychotherapist or medical professional acceptable to the Commission, and the evaluator 9 submits a written report to the Commission attesting (a) Mr. Holling is fit to work with children 10 and teenagers, and (b) there is a high probability he will not use school district equipment to 11 access sexually explicit materials or engage in similar inappropriate behavior. Any costs 12 associated with the assessment or treatment will be the responsibility of Mr. Holling. 13 Upon the reinstatement of licensure, Mr. Holling shall be placed on probation by the Commission for a period of four (4) years, subject to the following terms and conditions: 15 1. Mr. Holling shall substantially comply with any treatment or counseling as 16 recommended by the individual who completed the evaluation described above. 17 Mr. Holling shall authorize and sign any consent forms as necessary for the treatment provider 18 or counselor to furnish records to or discuss Mr. Holling's treatment with the Commission. 19 2. Mr. Holling shall comply with all Standards for Competent and Ethical Performance of 20 Oregon Educators under Oregon Administrative Rules, Chapter 584, Division 020. 21 3. Mr. Holling shall provide information as requested by the Commission to verify that he 22 has complied with the conditions of probation, including a statement from a future employing 23 district that he has complied with the Standards for Competent and Ethical Performance of 24 Oregon Educators.

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1	Violation of the terms of this probation may constitute an independent basis for the
2	Commission to impose discipline, up to and including revocation of Mr. Holling's teaching
3	license subject to Mr. Holling's right to a hearing on the issue of whether he violated probation.
4	IT IS SO ORDERED this day of August, 2005.
5	TEACHER STANDARDS AND PRACTICES COMMISSION
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7	By: Wictoria Charleterlain, Executive Director
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11 12 13 14	Margaret S. Olney, OSB#88135 Attorney for Thomas Warner Holling [062905]