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

In the Matter of the)	STIPULATION OF FACTS
Teaching License of)	AND ORDER OF SUSPENSION
RUSSELL CARPENTER)	AND PROBATION
)	

On or about May 19, 2000, the Teacher Standards and Practices Commission (Commission) notified Russell Carpenter (Mr. Carpenter) that a report has been filed alleging that Mr. Carpenter had misused his school computer to access sexually explicit material over the Internet. The report was filed by Joseph A. Rodriguez, Superintendent of the Hillsboro School District.

Mr. Carpenter has fully cooperated with the Commission's investigation and has not contested the allegations. After a review of the matters alleged, Mr. Carpenter 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. Carpenter waives the right to a hearing to contest the findings of fact, conclusion of law and order set forth below:

STIPULATION OF FACTS

- 1. Russell Carpenter holds a Standard Teaching License. He was employed by the Hillsboro School District (District) from approximately 1980 until April 19, 2000, when he resigned effective the end of the 1999-2000 school year.
- 2. Mr. Carpenter had a positive record with the Hillsboro School District and no previous performance problems or job discipline for misconduct.
- 3. During the 1999-2000 school year, Mr. Carpenter used a District computer to access Internet sites that displayed sexually explicit images. The computer was located in Mr. Carpenter's office.
- 4. No students were present at the times Mr. Carpenter viewed the images mentioned, nor was there any risk of students viewing the images. Mr. Carpenter was aware that it was inappropriate for him to use the District computer to view the images, however.
- 5. The District's investigation revealed that on multiple occasions Mr. Carpenter accessed sexually explicit materials through the Internet using the computer in his office during

student contact time and non-student contact time.

6. On or around April 11, 2000, the District accused Mr. Carpenter of the computer misuse and placed him on administrative leave pending an investigation. Mr. Carpenter cooperated with the District as it conducted the investigation and he admitted to misusing the computer. He expressed remorse for his misconduct and voluntarily tendered his resignation from District employment on April 19, 2000.

This Stipulation is contingent upon approval and adoption of the Order by the Commission. If the Commission does not adopt this Order, neither Mr. Carpenter nor the Commission are bound by these stipulations and Mr. Carpenter retains all rights to a hearing on the allegations.

IT IS SO STIPULATED:

Durs W. Carpen

6-24-00

Date

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David V. Myton, Executive Director

Teacher Standards and Practices Commission

Date

ULTIMATE FINDINGS OF FACT

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

CONCLUSIONS OF LAW

Russell Carpenter's activities constituted gross neglect of duty in violation of OAR 584-020-0040(4)(a) and OAR 584-020-0040(4)(k).

ORDER

The Oregon Teaching License of Russell Carpenter is suspended for a period of 90 days from July 1, 2000. At the end of this suspension period, Mr. Carpenter's Teaching License will be reinstated upon application provided that Mr. Carpenter shows that he has undergone an

evaluation at his own expense by a psychotherapist or medical professional acceptable to the Commission, and provided that the evaluator submits a written report to the Commission attesting that: (1) Mr. Carpenter 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 reinstatement of his teaching license, Mr. Carpenter shall be placed on probation by the Commission for a period of two years subject to the following conditions:

- 1. Mr. Carpenter shall substantially comply with any treatment or counseling as recommended by the individual who completed the evaluation described above. Mr. Carpenter shall authorize and sign a narrowly-tailored consent form as necessary for the treatment provider or counselor to furnish records to the Commission for the strict purpose of verifying the items required by this Order.
- 2. Mr. Carpenter shall abide with all Standards of Competent and Ethical Performance under OAR 584, Division 20.
- 3. Mr. Carpenter shall provide to the Commission such information as the Commission requests to verify that he has complied with the conditions of the probation, including a statement from his employing district that he has complied with Standards of Competent and Ethical Performance of Oregon Educators under OAR 584, Division 020.

Violation of the terms of this probation may constitute an independent basis for the Commission to impose discipline, up to and including revocation of Mr. Carpenter's Teaching License, subject to Mr. Carpenter's right to a hearing on the issue of whether he violated probation.

TEACHER STANDARDS AND PRACTICES COMMISSION

BY

David V. Myton, Executive Director