

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

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

In the Matter of the )  
Educator License of )  
MARK M. AERTS )  
STIPULATION OF FACTS AND  
FINAL ORDER OF  
SUSPENSION AND PROBATION

On November 5, 2019, the Teacher Standards and Practices Commission (Commission) received a police report from the Molalla Police Department (MPD), indicating possible professional misconduct on the part of licensed educator, Mark M. Aerts, (Aerts). MPD reported that Aerts was being investigated on potential charges of Official Misconduct in the first degree.

After review of the matters alleged, Aerts 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 thirty (30) day suspension, three (3) years of probation, and a requirement to attend sexual harassment training.

This Order sets forth the facts upon which the parties have agreed and the sanction to be imposed. Aerts 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, Aerts waives the right to a hearing to contest the findings of fact, conclusions of law and order set forth below.

By signing below, Aerts 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 Suspension 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 Aerts 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

1 consulted with an attorney regarding this Stipulation and Final Order and has been fully  
2 advised with regard to his rights thereto, or waives any and all rights to consult with an  
3 attorney prior to entering into this Stipulation and Final Order and issuance and entry of  
4 the Stipulated Final Order below.

#### 5 **STIPULATION OF FACTS**

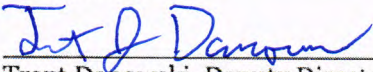
- 6 1. The Commission has licensed Aerts since August 25, 2005. Aerts currently holds  
7 a Professional Teaching License, with an endorsement in Advanced Mathematics  
8 (K-12) valid from January 5, 2018, through on November 20, 2022. During all  
9 relevant times, Aerts was employed by the Molalla River School District (MRSD).  
10
- 11 2. On November 5, 2019, The Commission received a police report from the Molalla  
12 Police Department (MPD). The report documented that Aerts was being  
13 investigated for charges of Official Misconduct in the First Degree. The report  
14 indicated that Aerts had a sexual encounter with a consenting adult female in his  
15 classroom at Molalla High School (MHS) after school hours. The report also  
16 indicated that Aerts had communicated with the same person on his district  
17 laptop, during work hours. The communication with the person included  
18 receiving naked images from her. Additionally, the report indicated that Aerts  
19 removed the hard drive from the district laptop without permission. On June 6,  
20 2020, TSPC received a School District Misconduct report from the  
21 Superintendent of MRSD, Tony Mann. The Misconduct report documented the  
22 same information detailed above that was in the MPD report.
- 23
- 24 3. According to MPD Report #19-024695 and MRSD investigative records, the  
25 following occurred:
- 26 • Aerts was involved in a physical/sexual relationship with CB, a consenting  
27 adult female.
  - 28 • Aert's relationship with CB was discovered by his wife, who reported the  
29 matter to MRSD.
  - 30 • Aerts and CB would meet in his classroom, where physical, sexual touching  
31 occurred on one occasion.
  - 32 • During Aerts' interview with MPD regarding this matter, he admitted the  
33 behavior listed above, and admitted to digitally penetrating CB's vagina in his  
34 classroom, after school hours.

- 1           • During school hours CB sent sexually explicit text and photo messages to  
2           Aerts.
- 3           • In an apparent attempt to destroy evidence, Aerts removed the hard drive  
4           from his MRSD laptop and replaced it with a new one.
- 5           • MPD forwarded this matter to the Clackamas County District Attorney's  
6           Office for review, and Aerts resigned from the MRSD in lieu of termination on  
7           June 15, 2020. The Clackamas County District Attorney's office declined to  
8           pursue criminal charges.
- 9
- 10          4. Aerts interviewed with Commission Investigative Staff on January 26, 2021 in the  
11          presence of Aerts's attorney, Ralph Wiser. During the interview and in follow-up  
12          communication with Commission legal staff, Aerts provided the following  
13          information relating to this case:
- 14               • Aerts' relationship with CB was discovered by his fiancée on May 28, 2016.  
15               Mr. Aerts ended the relationship with CB the very next day, May 29, 2016.  
16               Mr. Aerts married his wife on July 7, 2016. Mr. Aerts divorced his wife on  
17               October 26, 2018. Approximately six months later, Mr. Aerts' ex-wife  
18               reported the matter to MRSD, on or about April 15, 2019.
- 19               • Aerts denied having sexual or oral intercourse with CB in his classroom. Aerts  
20               stated that he never had sexual contact with her during school instruction  
21               time or while students were present.
- 22               • Aerts admitted to meeting CB in his classroom "from time to time" but stated  
23               that sexual contact had only occurred on one occasion, after school hours.
- 24               • Aerts denied every using district computers or equipment to communicate  
25               with CB.
- 26               • Aerts indicated that CB had sent him sexually explicit text and photo  
27               messages during school hours, but not during student contact time. Aerts  
28               reported that these messages were sent to his personal cell phone.
- 29               • Aerts admitted to removing the hard drive from his district laptop, but stated  
30               that it was not to destroy evidence, and he reported that he was given  
31               permission by the district's Information Technology Department to do so.
- 32               • Aerts reported that he was in a physical relationship with CB before he was  
33               married, which also ended before he was married.
- 34

1 IT IS SO STIPULATED:

2   
3 \_\_\_\_\_  
4 Mark M. Aerts

5/17/22  
\_\_\_\_\_  
Date

4   
5 \_\_\_\_\_  
6 Trent Danowski, Deputy Director  
7 Teacher Standards and Practices Commission

05/17/2022  
\_\_\_\_\_  
Date

8  
9 **CONCLUSION OF LAW**

10 The conduct described above constitutes gross neglect of duty in violation of ORS  
11 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*  
12 *professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable*  
13 *rules and regulations*),  
14

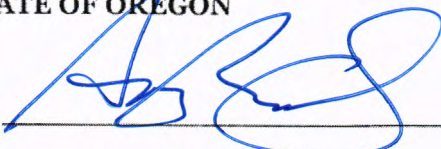
15 The Commission's authority to impose discipline in this matter is based upon  
16 ORS 342.175.  
17

18 **ORDER**

19 The Commission adopts and incorporates herein the above findings of fact and  
20 conclusions of law, and based thereon, imposes a suspension of Aerts' Oregon educator  
21 license for a period of thirty (30) days. Additionally, the commission imposes a term of  
22 Probation for not less than three (3) years with a required Sexual Harassment Training  
23 to be completed within the first year of Probation.  
24

25 Issued and dated this 22 day of June, 2022.

26 **TEACHER STANDARDS AND PRACTICES COMMISSION**  
27 **STATE OF OREGON**

28   
29 By \_\_\_\_\_

30 Dr. Anthony Rosilez, Executive Director