

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

3 In the Matter of the) STIPULATION OF FACTS AND
4 Educator License of) FINAL ORDER OF
5 EMMANUEL L. BALAN) PUBLIC REPRIMAND
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8 On June 8, 2023, the Teacher Standards and Practices Commission
9 (Commission) received a misconduct report from the Medford School District (MSD),
10 indicating possible professional misconduct on the part of licensed educator, Emmanuel
11 L. Balan (Balan).

12 After review of the matters alleged, Balan and the Commission agree that their
13 respective interests, together with the public interest, are best served by a stipulation to
14 certain facts and the imposition of a Public Reprimand.

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

20 By signing below, Balan acknowledges, understands, stipulates, and agrees to the
21 following: (i) he has been fully advised of his rights to notice and a hearing to contest the
22 findings of fact, conclusions of law, and order set forth below, and fully and finally
23 waives all such rights and any rights to appeal or otherwise challenge this Stipulation of
24 Facts and Final Order of Public Reprimand (Stipulation and Final Order); (ii) this
25 Stipulation and Final Order is a public document and disclosed to the public upon
26 request by the Commission; (iii) this Stipulation and Final Order is contingent upon and
27 subject to approval and adoption by the Commission. If the Commission does not
28 approve and adopt this Stipulation and Final Order, then neither Balan nor the
29 Commission are bound by the terms herein; (iv) he has fully read this Stipulation and
30 Final Order, and understands it completely; (v) he voluntarily, without any force or
31 duress, enters into this Stipulation and Final Order and consents to issuance and entry of
32 the Stipulated Final Order below; (vi) he states that no promise or representation has
33 been made to induce him to sign this Stipulation and Final Order; and (vii) he has
34 consulted with an attorney regarding this Stipulation and Final Order and has been fully
35 advised with regard to his rights thereto, or waives any and all rights to consult with an

1 attorney prior to entering into this Stipulation and Final Order and issuance and entry of
2 the Stipulated Final Order below.

3 4 **STIPULATION OF FACTS**

- 5 1. The Commission has licensed Balan since May 13, 2019. Balan holds a
6 Professional Teaching License with endorsements in Special Education:
7 Generalized (PK-12), and English to Speakers of other Languages (PK-12), valid
8 from May 14, 2020 through June 10, 2025. During all relevant times, Balan was
9 employed by the MSD.
10
- 11 2. On June 8, 2023, the Commission received a School District Misconduct Report
12 from Janel Reed, Chief Human Resource Officer for the MSD. The report alleged
13 profession misconduct by Balan, an Assistant Principal at Jackson Elementary
14 School (JES). Specifically, the report alleged that Balan was under the influence
15 of alcohol while at work on school grounds.
16
- 17 3. Investigation by the MSD and TSPC substantiated the following:
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- 19 • June 8, 2023 was the last day of school for students at JES.
 - 20 • On June 8, 2023, at approximately 1:30PM, Balan left for lunch with a
21 classified staff member.
 - 22 • While eating lunch with the staff member in a parked vehicle, Balan
23 consumed three (3) to four (4) drinks of whiskey.
 - 24 • The staff member drove Balan back to JES and dropped him off at
25 approximately 3PM.
 - 26 • Upon his return to JES, Principal Elizabeth Bilden (Bilden) noticed Balan
27 behaving oddly, and she recalled that Balan told her that he needed to
28 have his wife come pick him up.
 - 29 • Later in the day on June 8, 2023, an anonymous tip was made to the
30 SafeOregon website that Balan had consumed alcohol on his lunch break.
31 This tip was forwarded to Balan's supervisor, Bilden.
 - 32 • Bilden spoke to Balan about the tip on June 9, 2023. During the meeting
33 Balan admitted to Bilden that he had consumed alcohol (3-4 drinks of
34 whiskey) during his lunch break on June 8, 2023. Balan told Bilden that

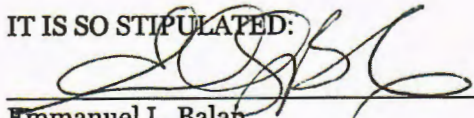
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he another JES staff member (classified staff) had gone to lunch to celebrate the end of the school year.

- After this meeting, on June 9, 2023, Balan was placed on administrative leave.
- Later, on the same day, Balan submitted his resignation effective immediately. (June 9, 2023.)

4. On November 2, 2023, Balan participated in a TSPC investigative interview via telephone. During the interview Balan confirmed the facts as listed above and stated that he had a lot of personal issues going on in his life simultaneously. Balan reported that these personal issues contributed to his choice to drink on his lunch break on June 8, 2023. Balan reported that he did not drive while intoxicated, did not have contact with students, and stated that shortly upon arriving back at JES from the lunch break, he contacted his wife to come pick him up to take him home. Balan reported that he had only gone back into the building to retrieve his keys, but in hindsight stated that he should not have ever entered the building after drinking and should have just waited outside for his wife. Balan reported that while his decision to drink was a poor one, he stated that he is thankful that no students were present and that all of his administrative duties were completed. Balan reported that he should have gone home at 1:30 and reported that this incident was caused in large part due to the duress caused by his 20-year marriage coming to an end. Balan reported that prior to this incident, he had been trying to get into therapy to cope with his grief through the district's EAP program but had been unsuccessful. Balan reported that after consulting with a Coalition of Oregon School Administrators attorney, he decided to resign his position effective immediately as he was still a probationary employee with the MSD.

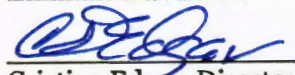
IT IS SO STIPULATED:



 Emmanuel L. Balan

3/18/24

 Date



 Cristina Edgar, Director of Professional Practices
 Teacher Standards and Practices Commission

3/21/24

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CONCLUSION OF LAW

The conduct described in sections two (2) and (3) above 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 professional judgment), OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and regulations), and OAR 584-020-0040(4)(g) (Appearing on duty or at any district-sponsored activity while under the influence of alcohol or any controlled substance).

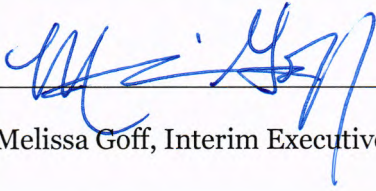
The Commission’s authority to impose discipline in this matter is based upon ORS 342.175.

ORDER

The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a Public Reprimand.

Issued and dated this 15th day of April 2024.

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

By  _____
Melissa Goff, Interim Executive Director