

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
2 OF THE STATE OF OREGON  
3

4 In the Matter of the ) DEFAULT ORDER OF  
5 Educator License of ) REVOCATION AND REVOCATION  
6 MARCUS JOLLEY ) OF RIGHT TO APPLY  
7  
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9 On April 11, 2019, the Teacher Standards and Practices Commission  
10 (Commission) issued a Notice of Opportunity for Hearing to Marcus Jolley (Jolley) in  
11 which the Commission charged him with Gross Neglect of Duty and Gross Unfitness.  
12 The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7018 1830  
13 0001 6178 3628 to the address on file with the Commission. The Notice designated the  
14 Commission file as the record for purposes of proving a prima facie case. The Certified  
15 Mail was returned to the Commission signed, on April 18, 2019. The regular first class  
16 mail was not returned to the Commission, and assumed delivered. The Notice of  
17 Opportunity of Hearing, dated April, 11 2019, and signed by Anthony Rosilez, Executive  
18 Director, stated:

19 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY  
20 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED  
21 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR  
22 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF  
23 YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN  
24 ORDER OF DEFAULT WHICH WILL REVOKE YOUR OREGON TEACHING  
25 LICENSE AND REVOKE YOUR RIGHT TO APPLY FOR A TEACHING  
26 LICENSE."  
27

28 Jolley did not request a hearing. The Commission, therefore, finds Jolley to be in default  
29 and enters the following findings of fact, conclusions of law, and final order, based on  
30 the files and records of the Commission concerning this matter.  
31

32 **FINDINGS OF FACT**

- 33 1. Marcus Jolley has been licensed by the Commission since August 10, 2001. Jolley's  
34 Initial II Teaching License, with endorsements in Basic Mathematics (ML); Middle  
35 School Language Arts (ML); Multiple Subjects (MIDLVL); Social Studies (HS, ML);  
36 and Special Education (ML/HS, ECE/ELE), was valid from July 31, 2014 through  
37 August 5, 2017. Jolley's Preliminary Administrator License, with an endorsement in

1 Administration (All Levels), was valid from July 22, 2016 through July 22, 2019.  
2 During all relevant times, Jolley was employed by the Tigard-Tualatin School District  
3 (TTSD).

4 2. On June 28, 2017, the Commission received a report from the TTSD containing  
5 information that Jolley, a former employee of TTSD, had inappropriate physical  
6 contact with a female student, BP, at Tigard High School. Specifically, the  
7 inappropriate contact included, hugging and grabbing BP's buttocks.

8  
9 3. Police investigation made the following determinations:

- 10 • On or between June 1, 2016 and September 1, 2016, Jolley subjected  
11 female student, BP to sexual contact by touching her buttocks. BP was  
12 under the age of 18 during all relevant times.
- 13 • On or between July 1, 2005 and December 31, 2005, Jolley subjected  
14 female student, AJ to oral intercourse on at least three occasions.  
15 Additionally, during this same time period, Jolley subjected female  
16 student AJ to sexual intercourse. AJ was under the age of 18 during all  
17 relevant times.  
18

19  
20 4. On March 21, 2019, Jolley pled guilty to, and was convicted of, three counts of ORS  
21 163.425, Sexual Abuse in the Second Degree, a Class C Felony. Jolley was sentenced  
22 to a total of 24 months in prison and 5 years' post-prison supervision, along with the  
23 requirement that Jolley register as a sex offender.  
24

### 25 CONCLUSIONS OF LAW

26 Marcus Jolley's criminal convictions as described in section three (3) above,  
27 constitute gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-  
28 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); and  
29 OAR 584-020-0040(1) (*The Commission will deny, revoke or deny the right to apply*  
30 *for a license or charter school registration to any applicant or educator who, has been*  
31 *convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of*

1 *any of those crimes if convicted in another jurisdiction, or convicted of attempt to*  
2 *commit such crimes as defined in ORS 161.405 ), including ORS 163. 425, Sexual Abuse*  
3 *in the Second Degree. This conduct also constitutes gross unfitness in violation of ORS*  
4 *342.175(1)(c); OAR 584-020-0040(5)(c) (Conviction of violating any federal, state, or*  
5 *local law. A conviction includes any final judgment of conviction by a court whether as*  
6 *the result of guilty plea, no contest plea or any other means); OAR 584-020-*  
7 *0040(5)(d) (Commission of an act listed in OAR 584-020-0040(1); and OAR 584-020-*  
8 *0040(5)(e) (Admission of or engaging in acts constituting criminal conduct, even in*  
9 *the absence of a conviction).*

10  
11 Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards  
12 and Practices Commission must revoke Jolley’s license and / or Jolley’s right to apply  
13 for a license based on Jolley’s conviction of any of the crimes listed in ORS  
14 342.143(3)(a), or the substantial equivalent of any of those crimes, or convicted of  
15 attempt to commit such crimes as defined in ORS 161.405.

16  
17 Furthermore, the conduct underlying Jolley’s convictions as described in section  
18 three (3) above, constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR  
19 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional*  
20 *judgment*); OAR 584-020-0040(4)(f) (*Any sexual conduct with a student*) as defined by  
21 OAR 584-020-0005(5); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-  
22 0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and*  
23 *conversations at all times*); and OAR 584-020-0035(3)(a) (*Maintain the dignity of the*  
24 *profession by respecting and obeying the law, exemplifying personal integrity and*  
25 *honesty*). Additionally, Jolley’s criminal convictions and conduct related to his  
26 convictions constitute “gross unfitness” in violation of ORS 342.175(1)(c); OAR 584-  
27 020-0040(3)(c) and (d) as defined by OAR 584-020-0040 (5) (*Gross unfitness is any*  
28 *conduct which renders an educator unqualified to perform his or her professional*  
29 *responsibilities*).


30  
31 The Commission’s authority to impose discipline in this matter is based upon  
32 ORS 342.175.

1 **FINAL ORDER**

2 The Commission hereby revokes Marcus Jolley's Oregon educator license and his  
3 right to apply for an Oregon educator license.

4 IT IS SO ORDERED THIS 9<sup>th</sup> day of August, 2019.

5 TEACHER STANDARDS AND PRACTICES COMMISSION

6 By:   
7 Dr. Anthony Rosilez, Executive Director

8 **NOTICE OF APPEAL OR RIGHTS**

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11 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY  
12 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE  
13 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF  
14 ORS 183.482 TO THE OREGON COURT OF APPEALS.