

- 1
- 2 2. On August 8, 2017, the Commission received a report from the ASD indicating
- 3 Tackett may have committed an act of gross neglect of duty and/or gross unfitness.
- 4 Specifically, in September 2015, Tackett engaged in inappropriate personal
- 5 interactions with a minor aged student while employed as an educator at Payson
- 6 High School in Arizona. Additionally, in February 2017, the same student, now 18,
- 7 moved to Oregon and is residing with Tackett. ASD determined Tackett's conduct
- 8 constituted a pattern of inappropriate behavior and was in violation of ASD policies
- 9 on student / teacher boundaries.
- 10
- 11 3. On or about September 24, 2015, Payson Arizona Police Department responded to a
- 12 suspicious conduct report. Upon arrival they discovered Tackett and then 17 year old
- 13 female student, JS, engaged in a clandestine meeting off school grounds. Tackett and
- 14 JS had independently drove to the location and were found together inside JS's
- 15 vehicle. Police were unable to substantiate any illegal activities and filed no charges.
- 16 Tackett's employer at the time, Payson Unified School District (PUSD), disciplined
- 17 Tackett, based on violations of PUSD policies, with a five day unpaid suspension and
- 18 written directives specific to professional teacher / student boundaries.
- 19
- 20 4. On July 25, 2017, ASD administration received information advising them of
- 21 Tackett's conduct in Arizona. Administrators met with Tackett to discuss his past
- 22 conduct and learned Tackett had remained in contact with student JS, had returned
- 23 to Arizona over Christmas break and made contact with JS, and JS moved to Astoria
- 24 and was currently living with Tackett. ASD determined that Tackett's past and
- 25 continued conduct violated ASD policies and recommended Tackett's termination.
- 26 On August 14, 2017, Tackett resigned his employment with ASD.
- 27
- 28 5. On October 26, 2018, Commission investigator(s) sent Tackett correspondence by
- 29 certified and regular mail, as well as sending email correspondence on November 13,
- 30 2018, formally requesting that Tackett participate in an interview as required by
- 31 Commission rules. These communications included information advising that failure
- 32 to respond to requests for information or participation in an interview could lead to
- 33 an additional charge of failure to cooperate in a Commission investigation. Tackett

1 never responded to these communications and never participated in an interview as
2 requested.

3 **CONCLUSIONS OF LAW**

4 Benjamin E. Tackett's conduct described in sections 2, 3, and 4 above constitutes
5 gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it
6 incorporates OAR 584-020-0010(1) (*Recognize the worth and dignity of all persons*
7 *and respect for each individual*), OAR 584-020-0010(5) (*Use professional judgment*),
8 OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*),
9 OAR 584-020-0030(2)(b) (*Skill in communicating with administrators, students, staff,*
10 *parents, and other patrons*); and OAR 584-020-0040(4)(o) as it incorporates OAR
11 584-020-0035(1)(c)(A) (*Not demonstrating or expressing professionally inappropriate*
12 *interest in a student's personal life*), and OAR 584-020-0035(1)(c)(D) (*Honoring*
13 *appropriate adult boundaries with students in conduct and conversation at all times*).

14 Benjamin E. Tackett's conduct described in section five (5) above, constitutes
15 gross neglect of duty in violation of OAR 584-020-0040(4)(p) (*Subject to the exercise of*
16 *any legal right or privilege, failure or refusal by an educator under investigation to*
17 *respond to requests for information, to furnish documents or to participate in*
18 *interviews with a Commission representative relating to a Commission investigation*).


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

21 **FINAL ORDER**

22 The Commission hereby revokes Benjamin E. Tackett's Educator license.

23 IT IS SO ORDERED THIS 5th day of June, 2019.

1 TEACHER STANDARDS AND PRACTICES COMMISSION

2 By: 
3 Dr. Anthony Rosilez, Executive Director
4

5 NOTICE OF APPEAL OR RIGHTS

6
7 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
8 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
9 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
10 ORS 183.482 TO THE OREGON COURT OF APPEALS.