| 1<br>2<br>3  | BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON   |
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| 4<br>5<br>6<br>7   | In the Matter of the ) DEFAULT ORDER OF Educator License of ) SUSPENSION AND DARRELL E. YOUNT ) PROBATION  |
| 8  | On July 17, 2024, the Teacher Standards and Practices Commission   |
| 9  | (Commission) issued a Notice of Opportunity for Hearing to Darrell E. Yount (Yount) in   |
| 10   | which the Commission charged him with Gross Neglect of Duty and/or Gross Unfitness   |
| 11   | The Notice was sent via U.S. First-Class Mail and U.S. Certified Mail Receipt 9589 0710  |
| 12   | 5270 2162 7856 24 to the address on file with the Commission. The Notice designated  |
| 13   | the Commission file as the record for purposes of proving a prima facie case. The  |
| 14   | Certified Mail return receipt was signed and dated by Yount on July 29, 2024. The First  |
| 15   | Class mail was not returned to the Commission and assumed delivered. The Notice of   |
| 16   | Opportunity of Hearing, dated July 17, 2024, and signed by Melissa Goff, Interim   |
| 17   | Executive Director, stated:  |
| 18<br>19<br>20<br>21<br>22<br>23<br>24<br>25<br>26<br>27 | "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING, WITHDRAW YOUR REQUEST FOR HEARING, OR IF YOU FAIL TO APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE." |
| 28   | On August 5, 2024, Yount notified the Commission he was requesting a hearing. On   |
| 29   | November 14, 2024, Yount withdrew his request for a hearing. Therefore, the  |
| 30   | Commission finds Yount to be in default and enters the following findings of fact,   |
| 31   | conclusions of law, and final order, based on the files and records of the Commission  |
| 32   | concerning this matter.  |
| 33   |  |
| 34   | FINDINGS OF FACT   |
| 35   | 1. The Commission has licensed Yount since September 17, 2015. Yount holds a   |
| 36   | Preliminary Teaching License, with an endorsement in Physical Education (PK-   |
| 37   | 12), valid from November 26, 2021, through November 25, 2024. During all   |

relevant times Yount was employed with the Jefferson County School District (JCSD) or the Mitchell School District (MSD).

2. On June 14, 2022, the Commission received reports from DHS which contained allegations that Yount sexually abused five (5) female students at Mitchell School, MSD, by giving the students unwanted massages for extended periods of time, and that Yount made insensitive remarks to students. On June 15, 2022, the Commission received another report from DHS which contained another allegation that Yount made a specific student at Mitchell School uncomfortable by giving the student a massage for an extended period of time. On June 22, 2022, the Commission received a misconduct report from the MSD, alleging Yount had massaged a student for over two (2) minutes which made the student uncomfortable.

On November 30, 2022, the Commission received a misconduct report from the MSD alleging Yount stored dozens of confidential student documents from his previous employer, the JCSD, in his desk at Mitchell School. On November 30, 2022, the Commission received a misconduct report from the JCSD alleging Yount removed confidential student records from the JCSD which were found in his desk at Mitchell School.

3. Investigation found that during the 2021-22 school year, Yount made insensitive comments to a male and female student regarding their physiques, Yount made an ethnically insensitive comment to a student about his being fast because he was used to running from the border patrol, Yount made other insensitive remarks to students such as calling them stupid, and Yount made insensitive remarks to a foreign student about the student's accent and country of origin.

4. Investigation found that during the 2021-22, as a teacher and coach at Mitchell School, Yount frequently initiated, without permission, unwanted upper-shoulder and neck massages to female students. These massages occurred at school and on one occasion, in a public area of the dorm residence of a student.

The massages lasted anywhere from a few seconds to two (2) minutes. On another occasion, Yount asked a female student to sit on his lap and the student said no. Yount continued to persuade the student to sit on his lap until she succumbed to Yount's pressuring.

5. Investigation found that that after Yount resigned from the JCSD in June 2021, he accepted a position with the MSD. After Yount resigned and left the MSD in June 2022, MSD staff found approximately thirty (30) pages of confidential paperwork of some of Yount's former students at the JCSD. The documents included partial copies of students' individualized education programs (IEPs).

## **CONCLUSIONS OF LAW**

Darrell E. Yount's conduct as described in section three (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(1) (Recognize the worth and dignity of all persons and respect for each individual), OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-0020(2)(d) (Skill in the supervision of students), OAR 584-020-0025(1) (The competent educator is a person who understands students and is able to relate to them in constructive and culturally competent ways) and OAR 5840-020-0030(2)(b) (Skill in communicating with administrators, students, staff, parent, and other patrons).

Yount's conduct described in section four (4) 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(1) (Recognize the worth and dignity of all persons and respect for each individual), OAR 584-020-0010(5) (Use professional judgment); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and conversations at all times).

Yount's conduct described in section five (5) 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*), and OAR 584-020-0025(c) (*Using and maintaining student records as required by federal and state law and district policies and procedures*); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-

| 1                               | 020-0035(1)(a) (Keep the confidence entrusted in the profession as it relates to   |
|---------------------------------|--|
| 2                               | confidential information concerning a student and the student's family).   |
| 3                               | The Commission's authority to impose discipline in this matter is based upon   |
| 4                               | ORS 342.175.   |
| 5                               |  |
| 6                               | FINAL ORDER  |
| 7                               | The Commission adopts and incorporates herein the above findings of fact and   |
| 8                               | conclusions of law, and based thereon, imposes a Suspension of six (6) months upon   |
| 9                               | Darrell E. Yount's Oregon educator license.  |
| 10                              | Furthermore, the Commission imposes a probation period of three (3) years upon   |
| 11                              | Yount's licensure to commence from the date the Yount's license is reinstated by the   |
| 12                              | Commission and subject to the following condition:   |
| 13                              | 1. Yount shall comply with the Standards for Competent and Ethical Performance of  |
| 14                              | Oregon Educators under Oregon Administrative Rules Chapter 584, Division   |
| 15                              | 020.   |
| 16                              | 0.1  |
| 17                              | IT IS SO ORDERED THIS 21 day of November, 2024.  |
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| 19                              | TEACHER STANDARDS AND PRACTICES COMMISSION   |
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|                                 | Me Lale  |
| 23                              | By:  |
| 24                              | Melissa Goff, Interim Executive Director   |
| <ul><li>25</li><li>26</li></ul> | Menssa Gon, Internit Executive Director  |
| 27                              |  |
| 28<br>29                        | NOTICE OF APPEAL OR RIGHTS   |
| 30                              | NOVE A DE ENVIRENCE DE MO MUDICIAL DEMANA OF MINI ODDED - MUDICIAL DEMENA MAN  |
| 31<br>32<br>33<br>34            | YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS. |