1 BEFORE THE 2 TEACHER STANDARDS AND PRACTICES COMMISSION 3 STATE OF OREGON In the Matter of the Teaching License of FINAL ORDER LEROY KELLY, 5 (By Default) 6 7 On May 31, 1996, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing and intention to revoke the teaching license of Leroy Kelly (Mr. 9 Kelly) or to otherwise impose discipline. On June 4, 1996, Mr. 10 Kelly filed a written request for a hearing. The Commission 11 scheduled a hearing for October 8, 1996. 12 On September 21, 1996, Mr. Kelly informed the Commission that 13 14 he would not attend or appear at the scheduled hearing and 15 surrendered his Oregon teaching license. Based on the foregoing, the Commission finds Mr. Kelly to be 16 in default, accepts Mr. Kelly's surrender of his teaching license 17 and enters the following Findings of Fact, Ultimate Finding of 18 Fact, Conclusion of Law and Order based on the records and files 19 of the Commission in this matter. 20 FINDINGS OF FACT 21 Mr. Kelly holds a basic Oregon teaching license with 22 1. 23 endorsements in drama and language arts. Mr. Kelly was employed as a high school teacher for the 24 Plumas Unified School District in Plumas County, California, from 25 26 1988 until January 1992.

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- 1 3. In November 1991, the district placed Mr. Kelly on 2 involuntary administrative leave with pay based on citizen 3 complaints that Mr. Kelly had acted inappropriately towards female 4 students while Mr. Kelly was employed as a drama coach. 5 complaints included allegations that Mr. Kelly had touched female 6 students inappropriately and in a sexual manner. 7 4. While the allegations against Mr. Kelly were being 8 investigated by the school district, Mr. Kelly entered into a 9 written settlement agreement with the school district on January 10 23, 1992, under which Mr. Kelly resigned his teaching position. 11 5. In December 1993, Mr. Kelly submitted an application for 12 an Oregon teaching license. In March 1995, Mr. Kelly submitted an 13 application for a language arts endorsement to his teaching 14 license. On both applications, Mr. Kelly answered "No" to the 15 question: "Have you ever resigned from an educational 16 position while under investigation for misconduct or unsatisfactory 17 service?" 18 ULTIMATE FINDING OF FACT 19 Mr. Kelly misrepresented the fact that he had resigned his 20 teaching position with the Plumas County School District while 21 under investigation for misconduct. 22 CONCLUSION OF LAW 23 Mr. Kelly's conduct constitutes gross neglect of duty in 24 violation of OAR 584-20-040(4)(c). 25 111
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ORDER The Commission accepts the voluntary surrender of the teaching license of Leroy Kelly, and pursuant to OAR 584-50-027, the teaching license of Leroy Kelly is hereby REVOKED. DATED this / by day of fleching TEACHER STANDARDS AND PRACTICES COMMISSION By: Executive Secretary NOTICE: You are entitled to judicial review of this order pursuant to the provisions of ORS 183.480. Judicial review may be obtained by filing a petition in the Oregon Court of Appeals. The petition must be filed within 60 days from the date of service of this order. JGM:ros\JGMLEROY.PLE

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CERTIFICATE OF MAILING

I hereby certify that I served the foregoing Order by mailing a true copy thereof, certified by me as such, by U.S. first class mail, and U.S. Certified Mail, with Return Receipt Requested addressed to:

LEROY KELLY P O BOX 639 VICTOR ID 83455

Dated this 10th day of Leanbor, 1996.

Charlene A. Smith

Secretary to the Commission