

1 26, 2009. During all relevant times, he was employed as Director of the Academy of
2 Alternatives, a charter school in the Gresham-Barlow School District.

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4 2. On November 11, 2005, Scalise hired Mr. Daniel Alcazar as a teacher's aide at the
5 Academy of Alternatives. Mr. Alcazar was previously convicted of murder in the state of
6 Oregon, a conviction under ORS 342.143 that prohibits the Commission or the Oregon
7 Department of Education from issuing a license, charter school registration or
8 authorization to work in a position where the individual will have direct unsupervised
9 contact with students. Scalise was aware that Mr. Alcazar had a criminal background.
10 Scalise did not submit Mr. Alcazar's fingerprints for a criminal background check as
11 required under ORS 342.125(5)(a)(C), ORS 181.539, ORS 326.603, OAR 581-022-
12 1730 and OAR 584-036-0010(3).

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14 3. On May 17, 2006, Scalise received a phone call from the father of a student alerting him
15 to the possibility of sexual contact between a 15-year-old female student and Mr.
16 Alcazar. Scalise took no action after receiving this information.

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18 4. On May 19, 2006, Scalise released a letter to Gresham-Barlow School District
19 administrators concerning the incident involving Mr. Alcazar and the female student. On
20 May 24, 2006, Scalise released a similar letter to students, staff and patrons of the
21 Academy of Alternatives. These letters included confidential personal information about
22 the student and characterized the sexual conduct as consensual.

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24 5. Scalise also did not submit other Academy of Alternatives employees to the Department
25 of Education for criminal background checks as required under ORS 342.125(5)(a)(C),
26 ORS 181.539, ORS 326.603, OAR 581-022-1730 and OAR 584-036-0010(3).

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1 **CONCLUSIONS OF LAW**

2 Jay Terry Scalise's above described conduct in allowing someone with a criminal
3 conviction to serve in a school without conducting a proper background check constitutes
4 gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-00(4)(n) as it
5 incorporates OAR 584-020-0010(5) (*Use professional judgment*) and OAR 584-020-
6 0025(3)(a) (*Leadership skills in managing the school, its students, staff, and programs as
7 required by lawful and reasonable district policies, rules, and regulations, state and federal
8 laws and regulations, and other programs as assigned, and assures that staff is informed of
9 these requirement*). After being alerted to possible sexual contact between an employee
10 under Scalise's supervision with a student, Scalise took no action. This conduct constitutes
11 gross neglect of duty in violation of ORS 342.175(1)(b), ORS 419B.010 and OAR 584-020-
12 0040(4)(s) (*Failing to report child abuse pursuant to ORS 419B.010*) and OAR 584-020-
13 00(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*). The
14 manner in which Scalise publicized and characterized this incident constitutes gross
15 neglect of duty in violation of ORS 342.175(1)(b), OAR 584-020-00(4)(o) as it incorporates
16 OAR 584-020-0035(1)(a) (*Keep the confidence entrusted in the profession as it relates to
17 confidential information concerning a student and the student's family*) and OAR 584-020-
18 0010(5) (*Use professional judgment*). Scalise's failure to submit other employees for
19 criminal background checks before employment constitutes gross neglect of duty in
20 violation of ORS 342.175(1); OAR 584-020-00(4)(n) as it incorporates OAR 584-020-
21 0010(5) (*Use professional judgment*) and OAR 584-020-0025(3)(a) (*Leadership skills in
22 managing the school, its students, staff, and programs as required by lawful and
23 reasonable district policies, rules, and regulations, state and federal laws and regulations,
24 and other programs as assigned, and assures that staff is informed of these requirement*).
25 The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

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1 **FINAL ORDER**

2 The Commission hereby revokes Jay Terry Scalise's right to apply for an
3 educator license.

4 IT IS SO ORDERED THIS 9th day of August, 2010.

5 TEACHER STANDARDS AND PRACTICES COMMISSION

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8 By: 
9 Victoria Chamberlain, Executive Director

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14 **NOTICE OF APPEAL OR RIGHTS**

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16 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
17 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
18 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS
19 OF ORS 183.482 TO THE OREGON COURT OF APPEALS.
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CERTIFICATE OF MAILING

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Jay Terry Scalise
2612 SE 282nd Ave.
Gresham OR 97080

Dated this 13th day of April, 2011.

By: Melody Hanson
Melody Hanson
Executive Assistant