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1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2 JUN 09 2017 OF THE STATE OF OREGON

3 In the Matter of the) STIPULATION OF FACTS AND
4 Educator License of) FINAL ORDER OF SURRENDER AND
5 RYAN ALEWESHEZ MITCHELL) REVOCATION OF LICENSURE

6 On or about June 11, 2015, the Teacher Standards and Practices Commission
7 (Commission) received a report from the North Clackamas School District indicating Ryan
8 Aleweshez Mitchell (Mitchell) was the subject of an investigation regarding allegations of
9 inappropriate conduct in violation of professional standards regarding student / teacher
10 boundaries, including sexual conduct with a student.

11 After review of the matters alleged, Mitchell and the Commission agree that their
12 respective interests, together with the public interest, are best served by a stipulation to certain
13 facts, the acceptance of Mitchell's voluntary surrender of his Oregon educator license, and the
14 revocation of Mitchell's Oregon educator license.

15 This document sets forth the facts upon which the parties have agreed and the stipulated
16 sanction to be imposed. Mitchell stipulates that there is sufficient evidence in the Commission's
17 files and records to support the findings of fact, conclusions of law, and order set forth below.

18 By signing below, Mitchell acknowledges, understands, stipulates, and agrees to the
19 following: (i) he has been fully advised of his rights to notice and a hearing to contest the
20 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all
21 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final
22 Order of Surrender and Revocation of Licensure (Stipulation and Final Order); (ii) this
23 Stipulation and Final Order is a public document and disclosed to the public upon request by the
24 Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval
25 and adoption by the Commission. If the Commission does not approve and adopt this
26 Stipulation and Final Order, then neither Mitchell nor the Commission are bound by the terms
27 herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v)

1 he voluntarily, without any force or duress, enters into this Stipulation and Final Order and
2 consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no
3 promises or representation has been made to induce him to sign this Stipulation and Final
4 Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order
5 and has been fully advised with regard to his rights thereto, or waives any and all rights to
6 consult with an attorney prior to entering into this Stipulation and Final Order and issuance and
7 entry of the Stipulated Final Order below. In entering into this stipulation, Mitchell waives the
8 right to a hearing to contest the findings of fact, conclusions of law and order set forth below.

9 **STIPULATION OF FACTS**

- 10 1. The Commission has licensed Mitchell since August 27, 2003. Mitchell holds an Initial
11 II School Counselor License, with an endorsement in School Counselor (ML/HS), valid
12 from May 3, 2014, through May 2, 2017. During all relevant times, Mitchell was
13 employed by the North Clackamas School District.
- 14 2. On June 11, 2015, the Commission received a report from the North Clackamas School
15 District indicating that Mitchell was subject to an investigation related to allegations of
16 misconduct, including sexual conduct with a student. Subsequent school district, law
17 enforcement, and Commission investigations determined that between June 1, 2013, and
18 January 30, 2014, Mitchell engaged in sexual conduct with a minor aged student that he
19 had counseled and coached as a licensed educator.

20 Investigation determined that beginning in October of 2013, Mitchell, and then
21 17-year-old student, AA began to engage in a sexual relationship. AA was a student at
22 Rex Putnam High School. Mitchell was assigned as AA's school counselor until sometime
23 in January 2014, when the district reassigned her to another school counselor. In the
24 course of the law enforcement investigation, police discovered several images of Mitchell
25 and AA that were sexual in nature. Many of these images were determined to have been
26 taken before AA's 18th birthday. Cell phone records were collected and revealed a

1 massive amount of communications between Mitchell and AA over the course of their
2 relationship.

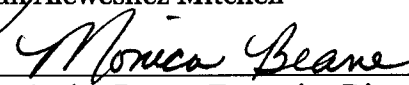
3 3. On September 27, 2016, Mitchell was indicted on four counts of Sex Abuse in the Second
4 Degree, ORS 163.425, a class "C" Felony; three counts of Encouraging Child Sex Abuse in
5 the Second Degree, ORS 163.686, a Class "C" Felony; one count of Official Misconduct in
6 the First Degree, ORS 162.415 a class "A" misdemeanor; and one count of Official
7 Misconduct in the Second Degree, ORS 162.405 a class "C" misdemeanor in connection
8 with the conduct described above. On February 2, 2017, as part of a plea agreement,
9 Mitchell was convicted of two counts of Sex Abuse in the Second Degree, ORS 163.425, a
10 class "C" Felony, and one count of Official Misconduct in the First Degree, ORS 162.415 a
11 class "A" misdemeanor. Mitchell was sentenced in part, to a total of 60 days in jail (two
12 consecutive 30 day sentences), 24 months of probation supervision, required to register
13 as a sex offender, and to forfeit his teaching / counseling license.

14
15 IT IS SO STIPULATED:

16 
17 _____
18 Ryan Aleweshaz Mitchell

5/30/2017

_____ Date

18 
19 _____
20 Dr. Monica Beane, Executive Director
21 Teacher Standards and Practices Commission

6-12-17

_____ Date

22 CONCLUSION OF LAW

23 Ryan Aleweshaz Mitchell's conduct described above constitutes Gross Neglect of Duty in
24 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
25 0010(5) (*Use professional judgment*); and OAR 584-020-0040(1) (*The Commission will deny,*
26 *revoke or deny the right to apply for a license or charter school registration to any applicant*
27 *or educator who, has been convicted of any of the crimes listed in ORS 342.143, or the*
substantial equivalent of any of those crimes if convicted in another jurisdiction), including

1 OAR 584-020-0040(1) (n) (*ORS 163.425 –Sex Abuse in the Second Degree*). This conduct also
2 constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c)
3 (*Conviction of violating any federal, state, or local law. A conviction includes any final*
4 *judgment of conviction by a court whether as the result of guilty plea, no contest plea or any*
5 *other means*); OAR 584-020-0040(5)(d) (*Commission of an act listed in OAR 584-020-*
6 *0040(1)*); and OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting*
7 *criminal conduct, even in the absence of a conviction*).

8 Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards and
9 Practices Commission must revoke Mitchell’s license and his right to apply for a license based
10 on Mitchell’s conviction(s) of any of the crimes listed in ORS 342.143(3)(a), or the substantial
11 equivalent of any of those crimes.

12 Ryan Aleweshetz Mitchell’s conduct underlying his indictments and convictions
13 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as
14 it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(k)(
15 *Violation of any rule or order of the Commission*); OAR 584-020-0040(4)(f) (*Any sexual*
16 *conduct with a student*) as defined by OAR 584-020-0005(5); OAR 584-020-0040(4)(o) as it
17 incorporates OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with*
18 *students in conduct and conversations at all times*); and OAR 584-020-0035(3)(a)(*Maintain*
19 *the dignity of the profession by respecting and obeying the law, exemplifying personal*
20 *integrity and honesty*). Additionally, your criminal convictions and conduct related to your
21 convictions constitute “gross unfitness” in violation of ORS 342.175(1)(c); OAR 584-020-
22 0040(3)(c) and (d) as defined by OAR 584-020-0040 (5) (*Gross unfitness is any conduct which*
23 *renders an educator unqualified to perform his or her professional responsibilities*).

24

25 The Commission’s authority to impose discipline in this matter is based upon ORS
26 342.175.

1 **ORDER**

2 The Commission adopts the above Stipulation of Facts, and hereby accepts the
3 surrender of Ryan Aleweshz Mitchell's Oregon educator license and revokes Ryan Aleweshz
4 Mitchell's Oregon educator license.

5 IT IS SO ORDERED this 21st day of June, 2017.

6 TEACHER STANDARDS AND PRACTICES COMMISSION

7
8 By: Monica Beane
9 Dr. Monica Beane, Executive Director