BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 1 2345678 OF THE STATE OF OREGON In the Matter of the **DEFAULT ORDER Teaching License of**) THIRTY (30) DAY SUSPENSION OF RIGHT TO) KEITH RYAN CLAYTON APPLY FOR TEACHING LICENSE 9 On June 26, 2012, the Teacher Standards and Practices Commission (Commission) issued a 10 Notice of Opportunity for Hearing to Keith Ryan Clayton (Clayton) in which the Commission charged 11 him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail 12 Receipt 7010 2780 0000 2187 2524 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 Certified Mail was signed for on June 29, 2012. The regular mail was not returned to the Commission. The Notice of 14 15 Opportunity of Hearing, dated June 26, 2012, and signed by Victoria Chamberlain, Executive Director, 16 stated: "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR 17 18 RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO 19 REOUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT 20 REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION 21 WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR 22 SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE." 23 24 Clayton did not request a hearing. The Commission, therefore, finds Clayton to be in default and enters 25 the following findings of fact, conclusions of law and order, based on the files and records of the 26 Commission concerning this matter. 27 FINDINGS OF FACT 28 1. Clayton has been licensed as a teacher in Oregon since August 25, 2005. His Initial I Teaching 29 License, with an endorsement in Advanced Mathematics (HS), issued July 2, 2009, expired on July 30 1, 2012. During all relevant times, Clayton was employed by the Yucaipa-Calimesa Joint Unified 31 School District in the State of California. 32 2. On December 20, 2011, the Commission was notified by the National Association of State Directors of 33 Teacher Education and Certification (NASDTEC) clearing house that on July 8, 2011, Clayton was 34 disciplined by the California Commission on Teacher Credentialing. The information received by the Commission reveals that Clayton received a public reproval for "Unprofessional Conduct." The public 35 36 reproval was a result of an investigation stemming from conduct while Clayton was employed at Yucaipa-

Calimesa Joint Unified School District.

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1	3.	The Commission conducted an investigation and learned that on February 27, 2009, the Yucaipa-Calimesa
2		Joint Unified School District had issued Clayton a "Notice of Unprofessional Conduct, and
3		Recommendation for Suspension without Pay for three days." According to school district reports Clayton,
4		"Made inappropriate comments and threatened a student, and also failed to follow proper school
5		procedures, while dealing with an incident involving a student." On April 17, 2009, effective June 12,
6		2009, Clayton resigned his employment with the Yucaipa-Calimesa Joint Unified School District as part of
7		a settlement agreement with the school district.
8	4.	On June 26, 2009, the Commission received Clayton's C-1 application for Oregon licensure; his application
9		was signed and dated by on June 26, 2009. Clayton made false statements on this application when he
10		answered "No" to character questions: 1, "Have you ever left any educational or school-related
11		employment , voluntarily or involuntarily while the subject of an inquiry, review, or investigation of
12		alleged misconduct or alleged violation of professional standards of conduct or when you had reason to
13		believe such investigation was imminent?"; and character question 3, "Have you ever failed to complete a
14		contract for educational services in any educational or school-related position, or for any alleged
15		misconduct or alleged violation of professional standards of conduct been placed on leave by your
16		employer or left such employment prior to the end of the contract term?"
17		CONCLUSIONS OF LAW
18		Clayton's conduct described above, constitutes gross neglect of duty in violation of ORS
19	34	2.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional
20	juc	dgment); and OAR 584-020-0040(4)(c) (Knowing falsification of any document or knowing
21	mi	srepresentation directly related to licensure, employment, or professional duties).
22		The Commission's authority to impose discipline in this matter is based upon ORS 342.175.
23		
24		FINAL ORDER
25		The Commission hereby suspends Keith Ryan Clayton's right to apply for a teaching license in
26		egon for a period of thirty (30) days, to begin upon the date this order is signed and in effect.
27	IT	IS SO ORDERED THIS <u>/2 th</u> day of October, 2012.
28		TEACHER STANDARDS AND PRACTICES COMMISSION
		Tutorta Kamberlain
29		By:

Victoria Chamberlain, Executive Director

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NOTICE OF APPEAL OR RIGHTS

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

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:

Keith Ryan Clayton 62995 Fresca St Bend, OR 97701-1581

Dated this $\frac{12^{1/4}}{12^{1/4}}$ day of October, 2012.

Patty Liddell

Investigative Assistant