1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON					
4 5 6 7		Matter of the Educator License of KANDER J. BUCKNER)	DEFAULT ORDER OF SUSPENSION OF RIGHT TO APPLY		
8		On December 12, 2018, the Teacher Standards and Practices Commission (Commission)				
9	issued	d a Notice of Opportunity for Hearing to Alexander J. Buckner (Buckner) in which the				
10	Comn	nission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail				
11	and U	J.S. Certified Mail Receipt 7018 0680 0000 1028 3163 to the address on file with the				
12	Comn	nmission. The Notice designated the Commission file as the record for purposes of proving a				
13		a facie case. The Certified Mail receipt was not returned to the Commission. The regular, first				
14	class r	mail was not returned to the Commission, and both are assumed to have been delivered. The				
15	Notice	e of Opportunity of Hearing, dated D	ecemb	er 12, 2018, and signed by Anthony Rosilez,		
16		tive Director, stated:				
17 18 19 20 21 22 23		"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 OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."				
24	Buckn	ner did not request a hearing. The Commission, therefore, finds Buckner to be in default and				
25	enters	the following findings of fact, conclude	ısions	of law, and final order, based on the files and		
2627	record	s of the Commission concerning this	s matte	er.		
28		FIN	IDIN(GS OF FACT		
29	1.	Alexander Buckner has been license	ed by t	he Commission since September 24, 2014. Buckner		
30		held an Initial I Teaching License, v	with en	ndorsements in Middle School Language Arts (ML)		
31		and Social Studies (ML), valid from	Septe	mber 24, 2014 through July 13, 2018. During all		
32		relevant times, Buckner was emplo	yed by	the Portland Public School District (PPSD).		
33	2.	On December 14, 2016, the Commi	ssion r	received a report from PPSD indicating Buckner		
34		may have committed an act of gross	s negle	ect of duty and/or gross unfitness. The report		
35				of marijuana while on duty and on school property.		
36		PPSD also reported Buckner was un	ntruthi	ful during the investigation and failed his required		
37		drug testing.				
38	3.			er 1, 2016, Buckner was placed on administrative		
39		leave pending the results of a drug	and alo	cohol screening test. A drug and alcohol screening		

1 test was required due to multiple coworkers reportedly smelling marijuana on Buckner's 2 person and observing Buckner to show signs of intoxication. Buckner's first urine sample was 3 determined to show signs of tampering and Buckner was required to provide another sample. The second urine sample tested positive for Tetrahydrocannabinol (THC), the intoxicating 4 compound found in marijuana (cannabis). THC is a controlled substance. Buckner's testing 5 6 indicated no signs of alcohol in his system. Buckner explained to PPSD and the Commission investigator that he had used Cannabidiol 7 8 (CBD) oil, a non-intoxicating, non-psychoactive derivative of cannabis that does not contain 9 THC. Buckner believed the CBD oil had caused a false positive test. Communications with 10 laboratory testing officials indicated that CBD ingestion does not generally result in positive 11 THC test results and confirmed that Buckner's test was positive for THC. This information 12 combined with the smell of marijuana on Buckner's person and the observations that 13 Buckner appeared intoxicated on campus resulted in PPSD recommending the non-extension 14 of Buckner's teaching contract. On March 1, 2017, Buckner resigned his employment with 15 PPSD effective the last day of the 2016-17 school year. 16 PPSD further found that in addition to being intoxicated at school, Buckner's invalid test 17 sample and denials about ingesting THC indicated Buckner had been untruthful during the 18 PPSD investigation process and had violated school district policies.

19

20

21

22 23

24

25

CONCLUSIONS OF LAW

Buckner's conduct described 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), OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and regulations); and OAR 584-020-0040(4)(g) (Appearing on duty or at any district-sponsored activity while under the influence of alcohol or any controlled substance).

26 27

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

28

29 FINAL ORDER

30 31

32

The Commission hereby suspends Alexander J. Buckner's right to apply for an Oregon educator license or a period of ninety (90) days, to begin upon the date this order is signed and in effect.

33 34

	andle
1	IT IS SO ORDERED THIS day of January, 2019.
2	TEACHER STANDARDS AND PRACTICES COMMISSION
3	By: Anthony J. Rosiles
4	Dr. Anthony Rosilez, Executive Director
5	D1. Initiony Roshez, Executive Director
6	
7	
8	
9	
10	NOTICE OF APPEAL OR RIGHTS
11	
12	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
13	OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
14	THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
15	THE OREGON COURT OF APPEALS