

1 2. On March 16, 2016, the Commission received a report from the Oregon Department of
2 Human Services (DHS) regarding reports they received alleging Clayton had physically
3 abused a 10 year old, special needs student named MB. On April 4, 2016, the Commission
4 received a report from CESD advising that Clayton had been placed on administrative leave
5 while they investigated the same allegations. Specifically, that on or about March 15, 2016,
6 Clayton repeatedly engaged physically with special education student MB in a manner that
7 was unnecessary, inappropriate, and inconsistent with MB's behavior intervention plan of
8 his Individualized Education Program (IEP) and the Oregon Intervention System (OIS)
9 training and policy. Investigation identified the following examples of unprofessional
10 conduct:

- 11 a. On or about March 15, 2016, at approximately 10:00 a.m., MB attempted to run
12 into the office. Clayton inappropriately grabbed MB by the arms and pulled him
13 out of the office. Clayton pulled MB to his chair and tried to make MB sit at his
14 desk. MB dropped to the floor in protest, where Clayton grabbed him from
15 behind and forced him to stay there. MB got angry and attempted to hit Clayton,
16 Clayton rolled MB over, laying him flat on the floor, and then sat on his back for
17 several minutes until MB calmed down. This incident was witnessed by
18 educational assistants who advised Clayton's methods were not approved OIS
19 restraints, violated related policy and were contrary to MB's intervention plans.
- 20 b. On or about March 15, 2016, at approximately 12:00 p.m., MB attempted to run
21 from Clayton again. Clayton grabbed MB by the collar of his shirt and pulled him
22 back. MB dropped to the ground, and Clayton dragged MB by an arm and a leg
23 approximately 10 feet across the room and placed him at his desk. Witnesses
24 described Clayton's physical interaction as unnecessary and outside the OIS
25 training and policy.
- 26 c. On or about March 15, 2016, at approximately 2:00 p.m., MB was attempting to
27 climb a window sill. Clayton pulled MB down. MB ran across the room pushing
28 other students. Clayton pulled MB over to the trampoline. Witnesses reported
29 that MB attempted to kick Clayton, and Clayton slapped MB on the face in
30 retaliation.

1 3. Clayton was removed from the classroom and placed on administrative leave while an
2 investigation was conducted. As part of the district’s investigation, additional
3 information surfaced including allegations that Clayton harassed other employees, and
4 Clayton appeared to be untruthful in responding to questions about the allegations.
5 Clayton later resigned her employment effective June 30, 2016.

6 **CONCLUSIONS OF LAW**

7 Carmen W. Clayton engaged in unprofessional conduct as described above. This
8 conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-
9 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR
10 584-020-0025(2)(a) (*Establishing and maintaining classroom management that is*
11 *conducive to learning*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable*
12 *rules and regulations*); and OAR 584-020-0040(4)(d) (*Unreasonable physical force*
13 *against students, fellow employees, or visitors to the school, except as permitted under*
14 *ORS 339.250*).

15
16 The Commission’s authority to impose discipline in this matter is based upon ORS
17 342.175.

18
19 **FINAL ORDER**

20 The Commission hereby issues a Public Reprimand upon Carmen W. Clayton’s
21 Oregon educator license, and places Clayton on probation for a period of one (1) year from
22 the date of this order. This probation period is subject to the following terms and
23 conditions:


- 24 1. Clayton shall comply with the Standards for Competent and Ethical
25 Performance of Oregon Educators under Oregon Administrative Rules
26 Chapter 584, Division 020.
27 2. Clayton shall successfully complete a Commission approved training on

1 Oregon Intervention Systems (OIS) prior to the expiration of her probation.

2 Violation of any term or condition of probation shall constitute an independent basis
3 for the Commission to revoke Clayton’s teaching license or otherwise impose discipline,
4 after first providing Clayton with notice and opportunity for hearing.

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7 IT IS SO ORDERED THIS 1st day of June, 2018.

8
9 TEACHER STANDARDS AND PRACTICES COMMISSION

10 By: 
11 Dr. Anthony Rosilez, Executive Director

12 NOTICE OF APPEAL OR RIGHTS

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