1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
4 5 6 7 8	In the Matter of the Educator) DEFAULT ORDER OF License of) PUBLIC REPRIMAND CARMEN W. CLAYTON) AND PROBATION
9	On June 8, 2017, the Teacher Standards and Practices Commission (Commission)
10	issued a Notice of Opportunity for Hearing to Carmen W. Clayton (Clayton) in which the
11	Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First
12	Class Mail and U.S. Certified Mail Receipt 7016 0750 0000 2419 1690 to the address on file
13	with the Commission. The Notice designated the Commission file as the record for purposes
14	of proving a prima facie case. The Certified Mail receipt was returned to the Commission
15	"unclaimed" on July 7, 2017. The first class mail was not returned to the Commission. The
16	Notice of Opportunity of Hearing, dated June 8, 2017, and signed by Monica Beane,
17	Executive Director, stated:
18 19 20 21 22 23 24 25	"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."
26	On June 29, 2017, Clayton requested a hearing. A hearing was set for April 12, 2018.
27	Prehearing conferences were held, exhibits exchanged, and witnesses subpoenaed. On April
28	12, 2018, an in-person hearing was convened as scheduled and Clayton failed to appear. The
29	Administrative Law Judge declared the hearing a default. The Commission, therefore, finds
30	Clayton to be in default and enters the following findings of fact, conclusions of law, and
31	final order, based on the files and records of the Commission concerning this matter.
32	FINDINGS OF FACT
33	1. Clayton has been licensed by the Commission since August 04, 2015. Clayton holds a
34	Preliminary Teaching License, with endorsements in English to Speakers of Other
35	Languages (PK-12) and Special Education: Generalist (PK-12), valid from February
36	5, 2017, through October 26, 2020. During all relevant times, Clayton was employed
37	by the Clackamas Education Service District (CESD).

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

- a. On or about March 15, 2016, at approximately 10:00 a.m., MB attempted to run into the office. Clayton inappropriately grabbed MB by the arms and pulled him out of the office. Clayton pulled MB to his chair and tried to make MB sit at his desk. MB dropped to the floor in protest, where Clayton grabbed him from behind and forced him to stay there. MB got angry and attempted to hit Clayton, Clayton rolled MB over, laying him flat on the floor, and then sat on his back for several minutes until MB calmed down. This incident was witnessed by educational assistants who advised Clayton's methods were not approved OIS restraints, violated related policy and were contrary to MB's intervention plans.
- b. On or about March 15, 2016, at approximately 12:00 p.m., MB attempted to run from Clayton again. Clayton grabbed MB by the collar of his shirt and pulled him back. MB dropped to the ground, and Clayton dragged MB by an arm and a leg approximately 10 feet across the room and placed him at his desk. Witnesses described Clayton's physical interaction as unnecessary and outside the OIS training and policy.
- c. On or about March 15, 2016, at approximately 2:00 p.m., MB was attempting to climb a window sill. Clayton pulled MB down. MB ran across the room pushing other students. Clayton pulled MB over to the trampoline. Witnesses reported that MB attempted to kick Clayton, and Clayton slapped MB on the face in 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 conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-8 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 against students, fellow employees, or visitors to the school, except as permitted under 13 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 Oregon educator license, and places Clayton on probation for a period of one (1) year from 21 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 Performance of Oregon Educators under Oregon Administrative Rules 25 26 Chapter 584, Division 020.

2. Clayton shall successfully complete a Commission approved training on

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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.
5 6 7	IT IS SO ORDERED THIS day of June, 2018.
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9	TEACHER STANDARDS AND PRACTICES COMMISSION
	By: Anthony J. Rosiles
10	By:
11	Dr. Anthony Rosilez, Executive Director
12	
13	NOTICE OF APPEAL OR RIGHTS
14	NOU ARE EXECUTED TO HIDIOIAL RESIDENCE THE ORDER. HIDIOIAL RESIDENCE
15 16	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW 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.