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 License of KENNETH E. CHANEY DEFAULT ORDER OF PUBLIC REPRIMAND AND PROBATION Output DEFAULT ORDER OF PUBLIC REPRIMAND AND PROBATION
9	On August 30, 2019, the Teacher Standards and Practices Commission (Commission)
10	issued a Notice of Opportunity for Hearing to Kenneth Chaney (Chaney) in which the
11	Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First
12	Class Mail and U.S. Certified Mail Receipt 7018 1830 0001 6178 6414 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 not returned to the
15	Commission. The first class mail was not returned to the Commission. Both are assumed
16	delivered. The Notice of Opportunity of Hearing, dated August 30, 2019, and signed by
17	Anthony Rosilez, Executive Director, stated:
18 19 20 21 22 23 24 25 26 27	"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, WITHDRAW YOUR REQUEST FOR HEARING, IF YOU FAIL TO APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
28	Chaney did not request a hearing. On September 6, 2019, Chaney, through his attorney
29	advised that he would not be requesting a hearing and wanted to default. The Commission,
30	therefore, finds Chaney to be in default and enters the following findings of fact, conclusions
31	of law, and final order, based on the files and records of the Commission concerning this
32	matter.
33	FINDINGS OF FACT
34	1. Chaney has been licensed by the Commission since September 1, 2006. Chaney
35	holds a Preliminary Teaching License, with an endorsement in Music (PK-12),
36	valid from September 24, 2018, through September 23, 2021. During all relevant
37	times, Chaney was employed by the Crook County School District (CCSD).

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2. On February 9, 2018, the Commission received a report from CCSD indicating

Chaney had engaged in conduct that may be considered gross neglect of duty and/or gross unfitness. On April 10, 2018, and again on October 16, 2018, the Commission received additional reports from CCSD reporting further possible misconduct on the part of Chaney related to the original February report. Specifically, the district reported Chaney repeatedly engaged in inappropriate classroom management despite multiple administrative interactions, coaching, evaluations, directives and reprimands intended to improve Chaney's performance and correct behavior.

- 3. Investigation determined that beginning in October of 2014, a pattern of behavior developed spanning through September of 2018. This pattern of behavior was established using student complaints, parent complaints, administrative observations, and employment evaluations that centered on Chaney's methods of classroom management and student interactions. The issues raised included inappropriate usage of sarcasm; bullying students; shaming students; making students cry; and using negative, demeaning, and sarcastic references towards students or the class as a whole (i.e. referring to students as "stupid" and performances as "crap"). Students reported being in fear, pushed to tears, singled out, harassed, yelled at, and humiliated. As a result, a disproportionate number of students requested to transfer out of Chaney's class over multiple years.
- 4. CCSD administrators attempted to address these issues by verbal warnings and counseling, written reprimands, coaching, evaluation feedback, written directives and progressive disciplinary action related to Chaney's conduct and district policy violations. These included directives to stop making negative, demeaning, sarcastic and derogatory comments towards students, improve student rapport and relationships, decrease/eliminate students transferring out of the class, and increase the student improvement numbers within the band program.
 On May 9, 2018, based on progressive disciplinary action, Chaney was placed on a plan of assistance. On September 24, 2018, an incident occurred in which Chaney angrily slammed an instrument case and intimidated students. This incident resulted in a disciplinary suspension for related policy violations. On October 2, 2018, Chaney resigned his employment with CCSD.

1	CONCLUSIONS OF LAW
2	Kenneth Chaney engaged in unprofessional conduct as described above. This conduct
3	constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-
4	0040(4)(n) as it incorporates OAR 584-020-0010(1) (Recognize the worth and dignity of
5	all persons and respect for each individual), OAR 584-020-0010(5) (Use professional
6	judgment), OAR 584-020-0020(2)(d) (Skill in the supervision of students), OAR 584-020-0020(2)(2)(3)(2)(3)(2)(3)(3)(3)(3)(3)(3)(3)(3)(3)(3)(3)(3)(3)
7	0025(2)(a)(Establishing and maintaining classroom management that is conducive to
8	learning), OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and
9	regulations), and OAR 584-020-0030(2)(b) (Skill in communicating with administrators,
10	students, staff, parents, and other patrons).
11	
12	The Commission's authority to impose discipline in this matter is based upon ORS 342.175.
13	
14	FINAL ORDER
15	The Commission hereby issues a Public Reprimand upon Kenneth E. Chaney's
16	Oregon educator license.
17	In addition, the Commission places Chaney on probation for a period of two years to
18	commence upon execution of this order. This probation period is subject to the
19	following terms and conditions:
20	
21	1. Chaney shall comply with the Standards for Competent and Ethical Performance
22	of Oregon Educators under Oregon Administrative Rules Chapter 584, Division
23	020.
24	
25	Violation of any term or condition of probation shall constitute an independent basis
26	for the Commission to revoke Chaney's teaching license or otherwise impose discipline,
27	after first providing Chaney with notice and opportunity for hearing.
28 29 30	IT IS SO ORDERED THIS day of September, 2019.

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TEACHER STANDARDS AND PRACTICES COMMISSION

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	Anthony J. Rosiles
2	By:
3	Dr. Anthony Rosilez, Executive Director
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5	NOTICE OF APPEAL OR RIGHTS
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7	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
8	MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
9	THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
10	PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.