

1 gross unfitness. Specifically, Ashley may have inappropriately permitted access to
2 confidential information and/or student records. Also, Ashley's off duty conduct
3 negatively and directly affected a student.

4 Investigation determined that on January 24, 2019, in his capacity as a teacher
5 and state examination proctor, Ashley traveled to Klamath Falls the day prior to
6 when he was to administer state tests to ORVA students. In the early morning
7 hours of January 25, 2019, Ashley was arrested for DUII and detained in the
8 County Jail until able to appear in court later that same morning. Because of
9 Ashley's conduct, he was unable to be present at the testing site and proctor the
10 test scheduled for 8:00 am that morning. At least one student had a test
11 scheduled with Ashley and had been present for the test at the assigned time and
12 place.

13 Because of the restrictions in jail, Ashley was unable to access his cell phone.
14 Ashley did call his ex-wife, requested she contact Ashley's administrator, and
15 inform them that he would not be able to proctor the testing scheduled for
16 January 25, 2019. Ashley provided her with the information to access his work
17 email so she could locate the administrator's contact information. Ashley's ex-
18 wife inappropriately accessed Ashley's email that allowed possible access to
19 confidential student records or related materials. On January 25th, 2019, at
20 approximately 10:00 AM, she sent an email, from Ashley's district email account
21 to his administrator, falsely stating that Ashley had a family emergency and
22 would not be able to proctor any testing that day. Ashley later called his
23 administrator, advised him of the situation, and when questioned, explained that
24 his ex-wife must have been covering for him, and that her email was not truthful
25 or accurate. ORVA later terminated your employment.

26 **CONCLUSIONS OF LAW**

27 Steven Ashley's conduct, as described above, constitutes Gross Neglect of Duty in
28 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
29 0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(c) (*Using and maintaining*
30 *student records as required by federal and state law and district policies and procedures*),
31 and OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and*