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 OFLicense of)PUBLIC REPRIMANDSTEVEN M. ASHLEY)
9	On February 21, 2020, the Teacher Standards and Practices Commission
10	(Commission) issued a Notice of Opportunity for Hearing to Steven M. Ashley (Ashley) in
11	which the Commission charged him with Gross Neglect of Duty. The Notice was sent via
12	U.S. First Class Mail and U.S. Certified Mail Receipt 7018 1830 0001 6178 7312 to the
13	address on file with the Commission. The Notice designated the Commission file as the
14	record for purposes of proving a prima facie case. The Certified Mail receipt was not
15	returned to the Commission. The first class mail was not returned to the Commission and
16	assumed delivered. The Notice of Opportunity of Hearing, dated February 21, 2020, and
17	signed by 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	Ashley did not request a hearing. The Commission, therefore, finds Ashley to be in default
29	and enters the following findings of fact, conclusions of law, and final order, based on the
30	files and records of the Commission concerning this matter.
31	FINDINGS OF FACT
32	1. Ashley has been licensed by the Commission since August 18, 2014. Ashley holds
33	a Preliminary Teaching License, with an endorsement in Social Studies (PK-12),
34	valid from November 18, 2017, through November 17, 2020. During all relevant
35	times, Ashley was employed by the Oregon Virtual Academy (ORVA). ORVA is a
36	state wide, online school.
37	2. On February 21, 2019, the Commission received a report from ORVA indicating
38	Ashley may have committed acts which constitute gross neglect of duty and/or

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

Investigation determined that on January 24, 2019, in his capacity as a teacher 4 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 test scheduled for 8:00 am that morning. At least one student had a test 10 scheduled with Ashley and had been present for the test at the assigned time and 11 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 exwife inappropriately accessed Ashley's email that allowed possible access to 18 confidential student records or related materials. On January 25th, 2019, at 19 20 approximately 10:00 AM, she sent an email, from Ashley's district email account to his administrator, falsely stating that Ashley had a family emergency and 21 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

Steven Ashley's conduct, as 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 584-0200010(5) (Use professional judgment), OAR 584-020-0025(2)(c) (Using and maintaining
student records as required by federal and state law and district policies and procedures),
and OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and

1	regulations).
2	
3	The Commission's authority to impose discipline in this matter is based upon ORS
4	342.175.
5	FINAL ORDER
6	The Commission hereby issues a Public Reprimand upon Steven M. Ashley's
7	Educator licensure.
8 9 10	IT IS SO ORDERED THIS $\_6$ th day of April 2020.
11	
12	TEACHER STANDARDS AND PRACTICES COMMISSION
13	
	By: Anthony & Rosilez
14 15	By: Dr. Anthony Rosilez, Executive Director
15 16	Dr. Anthony Rosnez, Executive Director
17	
18 19	NOTICE OF APPEAL OR RIGHTS
20	NOTICE OF ALL OK NOTITS
21 22 23 24	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.