1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 4 In the Matter of the Educator DEFAULT ORDER OF 5) License of REVOCATION OF 6 BRUCE PATRICK CLEVENGER) **EDUCATOR LICENSE** 7 8 9 On September 5, 2014, the Teacher Standards and Practices Commission 10 (Commission) issued a Notice of Opportunity for Hearing to Bruce Patrick Clevenger (Clevenger) in which the Commission charged him with Gross Neglect of Duty and Gross 11 Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7012 12 13 1010 0003 2804 4661 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified Mail 14 was not returned to the Commission. The first class mail was returned to the Commission as 15 16 "Refused". The Notice of Opportunity of Hearing, dated September 5, 2014, and signed by Victoria Chamberlain, Executive Director, stated: 17 18 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY 19 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR 20 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU 21 22 FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF 23 24 YOUR LICENSE OR OTHER DISCIPLINE." 25 Clevenger did not request a hearing. The Commission, therefore, finds Clevenger to be in 26 default and enters the following findings of fact, conclusions of law, and final order, based 27 on the files and records of the Commission concerning this matter. 28 29 FINDINGS OF FACT 1. Clevenger has been licensed as a teacher in Oregon since September 23, 1976. 30 Clevenger's Standard Teaching License, with endorsements in Basic Art (018), 31 32 Standard Exceptional Learner I (018), and Standard Severe Exceptional Needs (018), was issued on January 12, 2012, and expires on January 11, 2017. During all 33 34 relevant times, Clevenger was employed by the Hillsboro School District. 35 2. On April 8, 2013, the Commission initiated an investigation based upon a news 36 article that reported Clevenger had been involved in an assault of a Hillsboro School 37

District student during a road rage incident occurring on April 4, 2013. On June 12, 2013, the Commission received a report from the Hillsboro School District alleging Clevenger violated professional standards and practices as related to the same incident. The resulting district, law enforcement, and Commission investigations determined that on April 4, 2013, while Clevenger was employed as a teacher at Liberty High School, Clevenger physically assaulted a seventeen year old student (AH) by striking AH multiple times in the face with his fists. Prior to Clevenger assaulting AH, Clevenger was involved in a "road rage" incident where Clevenger reportedly was tailgating AH aggressively, then passed AH unsafely and swerved into AH's vehicle causing a motor vehicle accident. Witnesses reported AH pulled over to the side of the road, and Clevenger stopped in front of AH's vehicle, approached AH and attempted to forcibly remove him from his vehicle. Clevenger reportedly yanked the driver's side door open and began punching AH in the face while Clevenger yelled "Are you fucking playing games with me?" After assaulting AH, Clevenger fled the scene of the crash. A witness to the incident followed Clevenger home and contacted police.

3. As the result of Clevenger's conduct in paragraph two (2), Clevenger was arrested and charged with criminal conduct including Assault 4, a class A misdemeanor, Harassment, a class B misdemeanor, Failure to perform the duties of a driver, a class A misdemeanor, Recklessly Endangering Another, a class A misdemeanor, Reckless Driving, a class A misdemeanor, and Criminal Mischief 2, a class A misdemeanor. On September 12, 2013, Clevenger pled guilty and was convicted of Assault 4, Recklessly Endangering Another, and Criminal Mischief charges. Clevenger was sentenced to pay fines, serve two years probation, 100 hours of community service, and Clevenger's driver's license was suspended for a period of 90 days.

CONCLUSIONS OF LAW

Clevenger's conduct described above constitutes gross neglect of duty in in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1) (Recognize the worth and dignity of all persons and respect for each individual), OAR 584-

1	020-0010(5) (Use professional judgment), OAR 584-020-0030(3)(d) (Skill in reconciling
2	conflict); OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(3)(a) (Maintain
3	the dignity of the profession by respecting and obeying the law, exemplifying personal
4	integrity and honesty); and OAR 584-020-0040(4)(d) (Unreasonable physical force
5	against students, fellow employees, or visitors to the school, except as permitted under
6	ORS 339.250). This conduct also constitutes gross unfitness in violation of ORS
7	342.175(1)(c); OAR 584-020-0040(5)(c) (Conviction of violating any federal, state, or
8	local law. A conviction includes any final judgment of conviction by a court whether as the
9	result of guilty plea, no contest plea or any other means), and OAR 584-020-0040(5)(e)
10	(Admission of, or engaging in acts constituting criminal conduct, even in the absence of a
11	criminal conviction).
12	Furthermore, the conduct described above establishes that Clevenger does not
13	possess good moral character required to hold a license under ORS 342.143(2). OAR 584-
14	020-0040(3)(a) (The Commission may initiate proceedings to suspend or revoke the
15	license or registration of an educator under ORS 342.175 or deny a license or registration
16	to an applicant under 342.143 who: Has been convicted of a crime not listed in section (1)
17	of this rule, if the Commission finds that the nature of the act or acts constituting the crime
18	for which the educator was convicted render the educator unfit to hold a license).
19	
20	The Commission's authority to impose discipline in this matter is based upon ORS
21	342.175.
22	FINAL ORDER
23	The Commission hereby revokes Bruce Patrick Clevenger's educator License.
24	IT IS SO ORDERED THIS 31 day of October, 2014.
25	TEACHER STANDARDS AND PRACTICES COMMISSION
26 27 28	By:

l	NOTICE OF APPEAL OR RIGHTS
2	
3	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
4	MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
5	THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
6	PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Bruce Patrick Clevenger 20115 SW Pecan Street Beaverton, OR 97006-2212

Dated this ____3/ot day of October, 2014.

Patty Liddell

Investigative Assistant