1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 4 In the Matter of the **DEFAULT ORDER OF** 5 Teaching License of LICENSE REVOCATION AND ) 6 STEVEN KENNETH DERLACKI ) REVOCATION OF RIGHT TO APPLY 7 8 On April 25, 2012, the Teacher Standards and Practices Commission (Commission) 9 issued a Notice of Opportunity for Hearing to Steven Kenneth Derlacki (Derlacki) in which the 10 Commission charged him with Gross Neglect of Duty and Gross Unfitness. The Notice was sent 11 via U.S. First Class Mail and U.S. Certified Mail Receipt 7009 1410 0002 1925 3358 to the 12 address on file with the Commission. The Notice designated the Commission file as the record 13 for purposes of proving a prima facie case. The Certified Mail was signed for, and the return 14 receipt was received by TSPC on April 30, 2012. The regular mail was not returned to the 15 Commission. The Notice of Opportunity of Hearing, dated April 25, 2012, and signed by Victoria 16 Chamberlain, Executive Director, stated: 17 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, 18 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR 19 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. 20 IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A 21 HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY 22 INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER 23 DISCIPLINE." 24 25 Derlacki did not request a hearing. The Commission, therefore, finds Derlacki to be in default 26 and enters the following findings of fact, conclusions of law, and final order, based on the files 27 and records of the Commission concerning this matter. 28 FINDINGS OF FACT 29 1. Steven Kenneth Derlacki has been licensed by the Commission since February 2, 2006. 30 Derlacki's Initial II Teaching License with endorsements in Multiple Subjects Self-Contained 31 (ECE, ELE) and Special Education (ECE/ELE L), was issued January 6, 2010, and expires on 32 January 5, 2013. During all relevant times, Derlacki was employed by the Roseburg School 33 District. 34 2. On January 24, 2012, Derlacki pled guilty to eight counts of Encouraging Child Sex Abuse in 35 the First Degree (ORS 163.684). Derlacki was sentenced to 44 months incarceration and 36 required to register as a sex offender upon his release. Derlacki's conviction arose from 37 allegations that he downloaded and possessed over five hundred (500) videos and 38 photographs of minors involved in sex acts (Child Pornography) on his computer. Derlacki's

1	employer at the time, Roseburg School District, discovered evidence that Derlacki had used a
2	district computer to access pornography related sites.
3	CONCLUSIONS OF LAW
4	Derlacki's convictions constitutes gross neglect of duty in violation of ORS 342.175(1)(b);
5	OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional
6	judgment); and OAR 584-020-0040(1)(bb) (ORS 163.684 – Encouraging Child Sexual Abuse in
7	the First Degree). This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c);
8	OAR 584-020-0040(5)(e) (Admission of or engaging in acts constituting criminal conduct,
9	even in the absence of a conviction). Pursuant to ORS 342.175(2)(a) and OAR 584-020-0040(1)
10	the Commission will deny, revoke or deny the right to apply for a license or charter school
11	registration to any applicant or educator who, has been convicted of any of the crimes listed in
12	ORS 342.143.
13	Furthermore, the conduct underlying Derlacki's convictions constitutes gross neglect of
14	duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-
15	020-0010(5) ( <i>Use professional judgment</i> ); Also, the conduct underlying Derlacki's convictions
16	constitute "gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(a) and (d)
17	as defined by OAR 584-020-0040 (5) ("Gross unfitness is any conduct which renders an
18	educator unqualified to perform his or her professional responsibilities")
19	The Commission's authority to impose discipline in this matter is based upon ORS
20	342.175.
21	FINAL ORDER
22	The Commission hereby revokes the licensure of Steven Kenneth Derlacki and revokes
23	Derlacki's right to apply for licensure.
24	IT IS SO ORDERED THIS day of September, 2012.
25	TEACHER STANDARDS AND PRACTICES COMMISSION
26	By:
27	Victoria Chamberlain, Executive Director
27 28 29 30 31	NOTICE OF APPEAL OR RIGHTS
31 32 33	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

## 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:

Steven Kenneth Derlacki-18541196 Warner Creek Correctional Facility P.O. Box 1500 20654 Rabbit Hill Road Lakeview, OR 97630-5000

Dated this

\_day of September, 2012.

By: \_\_\_\_\_\_\_Patty

Investigative Assistant