1	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON			
2 3	OF THE S	IAIL	OF OREGON	
4 5 6 7	In the Matter of the Educator License of JOHN ARTHUR KLUTTZ))	DEFAULT ORDER OF REVOCATION OF LICENSE	
8 9	On Santambar 16, 2014 the Torce	shor S	tandards and Practices Commission	
	On September 16, 2014, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to John Arthur Kluttz (Kluttz) in			
10	which the Commission charged him with Gross Neglect of Duty. The Notice was sent via			
11	U.S. First Class Mail and U.S. Certified Mail Receipt 7012 1010 0003 2804 4821 to the			
12	address on file with the Commission. The Notice designated the Commission file as the			
13	_			
14	record for purposes of proving a prima facie case. The Certified Mail receipt was returned to			
15	the Commission "signed" on September 19, 2014. The first class mail was not returned to			
16	the Commission. The Notice of Opportunity of Hearing, dated September 16, 2014, and			
17	signed by Victoria Chamberlain, Execut			
18 19 20 21 22 23 24 25	"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 OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."			
26	On September 24, 2014, Kluttz request	ed a h	earing. The hearing was scheduled for July 8-9,	
27	2015. On July 8, 2015, the Commission	repr	esentatives appeared before Judge Gutman at	
28	the Office of Administrative Hearings on time and prepared to participate in the scheduled			
29	hearing. Kluttz failed to appear for the	heari	ng as scheduled. Judge Gutman entered all	
30	Commission offered exhibits and plead	ings i	nto the record and declared the hearing a	
31	default. The Commission, therefore, fin	ds Kl	uttz to be in default and enters the following	
32	findings of fact, conclusions of law, and final order, based on the files and records of the			
33	Commission concerning this matter.			
34				
35	FIN	DIN	GS OF FACT	
36	1. The Commission has licensed Klutt	z since	e July 13, 2009. Kluttz's Initial I Teaching	
37	License, with an endorsement in Music (ML/HS), was valid from September 21,			

2012, through September 20, 2015. During all relevant times, Kluttz was employed
by the Greater Albany School District as a teacher.

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2. On December 17, 2013, the Commission received a report from the Greater Albany 4 School District indicating Kluttz was under investigation by the district and local law 5 enforcement regarding allegations of inappropriate communications with a student. 6 On December 26, 2013, the Commission received an additional complaint from a 7 8 patron indicating Kluttz had inappropriately communicated with a student. The patron complaint included a copy of a protective stalking order the patron had filed 9 against Kluttz. The investigation determined that during the 2012-2013 school year, 10 Kluttz inappropriately communicated with 13 year old, female student, AM, via text 11 and instant message programs. Kluttz's communications with AM number in the 12 13 thousands and included messages exchanged as early as 5:30 a.m. and as late as 1:44 a.m. In the course of these communications with AM, Kluttz learned that AM was 14 hurting herself by snapping herself with rubber bands and later by cutting herself. 15 Kluttz did not report AM's self-harm as required by mandatory reporting laws. Kluttz 16 referred to AM as "Inion" or "daughter" in Celtic and had entered her this way in his 17 cell phone contacts. AM had Kluttz listed as "Daidi", Celtic for "daddy" on her phone. 18 On or about July 2013, AM's mother and custodial parent Amy, discovered that 19 Kluttz and AM were exchanging text messages. Amy contacted Kluttz and told him to 20 stop such communications with AM because she felt it was inappropriate for a 21 teacher to text a student during summer break. Amy told Kluttz that if he needed to 22 contact AM for school or voice lessons, Kluttz could contact her (Amy) for such 23 arrangements. Amy told Kluttz that she wanted to establish clear, definite lines and 24 boundaries, and Kluttz agreed. At the start of the 2013-2014 school year, Kluttz 25 began to text AM again. Kluttz sought permission to communicate with AM from her 26 non-custodial father and conspired to keep it a secret from AM's mother. Kluttz's 27 text conversations were overly personal in nature and included the sharing of 28 personal information including; AM telling Kluttz she loved him, Kluttz telling AM 29 that he loved her, and how lucky Kluttz was to have her. 30

3. During the course of the investigation, it was discovered that Kluttz had engaged another eighth grade, female student, ED, in inappropriate conversations using text messages and messaging programs through the computer program Pintrest. Kluttz's conversations with ED were overly personal, Kluttz exchanged "I love you" and other personal sentiments. Kluttz and ED discussed how using the Pintrest messenger allowed them to converse in secret, and Kluttz discussed having to delete his messages so others would not find them. Kluttz refers to ED as "Daughter," and she refers to Kluttz as "Dad" in their conversations. A search of Kluttz's school computer and cell phone discovered a multitude of photographs of ED.

CONCLUSIONS OF LAW

John Arthur Kluttz engaged in unprofessional conduct as described in section two (2) above. Kluttz's conduct detailed above, constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment); OAR 584-020-0040(4(s) (Failing to report child abuse pursuant to ORS 419B.010); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(b)(Refrain from exploiting relationships with any student for personal gain, or in support of persons or issues), OAR 584-020-0035(1)(c)(A) (Not demonstrating or expressing professionally inappropriate interest in a student's personal life), OAR 584-020-0035(1)(c)(B) (Not accepting or giving or exchanging romantic or overly personal gifts or notes with a student); and OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and conversations at all times).

John Arthur Kluttz engaged in unprofessional conduct as described in section three (3) above. Kluttz's conduct detailed above, constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(b)(Refrain from exploiting relationships with any student for personal gain, or in support of persons or issues), OAR 584-020-0035(1)(c)(A) (Not demonstrating or expressing professionally inappropriate interest in a student's personal life), OAR 584-020-0035(1)(c)(B) (Not accepting or giving or exchanging romantic or overly personal gifts or notes with a student); and OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult

1	boundaries with students in conduct and conversations at all times).		
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3	The Commission's authority to impose discipline in this matter is based upon ORS		
4	342.175.		
5			
6	FINAL ORDER		
7	The Commission hereby revokes John Arthur Kluttz's Educator license.		
8 9	IT IS SO ORDERED THIS 9 th day of July, 2015.		
10	TEACHER STANDARDS AND PRACTICES COMMISSION		
	By:		
11	By:		
12 13	Victoria Chamberlain, Executive Director		
13 14	NOTICE OF APPEAL OR RIGHTS		
15			
16	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW		
17	MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM		
18	THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE		
19	PROVISIONS OF ORS 182 482 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:

John Arthur Kluttz 5593 S Santiam Hwy Lebanon, OR 97355-3537

Dated this 9th day of July, 2015.

Patty Model

Investigative Assistant