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BEFORE THE
TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON

In the Matter of the Teaching License of)
LEROY KELLY,) FINAL ORDER
(By Default)

On May 31, 1996, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing and intention to revoke the teaching license of Leroy Kelly (Mr. Kelly) or to otherwise impose discipline. On June 4, 1996, Mr. Kelly filed a written request for a hearing. The Commission scheduled a hearing for October 8, 1996.

On September 21, 1996, Mr. Kelly informed the Commission that he would not attend or appear at the scheduled hearing and surrendered his Oregon teaching license.

Based on the foregoing, the Commission finds Mr. Kelly to be in default, accepts Mr. Kelly's surrender of his teaching license and enters the following Findings of Fact, Ultimate Finding of Fact, Conclusion of Law and Order based on the records and files of the Commission in this matter.

FINDINGS OF FACT

1. Mr. Kelly holds a basic Oregon teaching license with endorsements in drama and language arts.
2. Mr. Kelly was employed as a high school teacher for the Plumas Unified School District in Plumas County, California, from 1988 until January 1992.

1 3. In November 1991, the district placed Mr. Kelly on
2 involuntary administrative leave with pay based on citizen
3 complaints that Mr. Kelly had acted inappropriately towards female
4 students while Mr. Kelly was employed as a drama coach. The
5 complaints included allegations that Mr. Kelly had touched female
6 students inappropriately and in a sexual manner.

7 4. While the allegations against Mr. Kelly were being
8 investigated by the school district, Mr. Kelly entered into a
9 written settlement agreement with the school district on January
10 23, 1992, under which Mr. Kelly resigned his teaching position.

11 5. In December 1993, Mr. Kelly submitted an application for
12 an Oregon teaching license. In March 1995, Mr. Kelly submitted an
13 application for a language arts endorsement to his teaching
14 license. On both applications, Mr. Kelly answered "No" to the
15 question: "Have you ever resigned from an educational
16 position while under investigation for misconduct or unsatisfactory
17 service?"

18 **ULTIMATE FINDING OF FACT**

19 Mr. Kelly misrepresented the fact that he had resigned his
20 teaching position with the Plumas County School District while
21 under investigation for misconduct.

22 **CONCLUSION OF LAW**

23 Mr. Kelly's conduct constitutes gross neglect of duty in
24 violation of OAR 584-20-040(4)(c).

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1 ORDER

2 The Commission accepts the voluntary surrender of the
3 teaching license of Leroy Kelly, and pursuant to OAR 584-50-027,
4 the teaching license of Leroy Kelly is hereby REVOKED.

5 DATED this 10th day of December, 1996.

6 TEACHER STANDARDS AND PRACTICES COMMISSION

7 By: David V. Myton
8 David V. Myton, Executive Secretary

9 **NOTICE:** You are entitled to judicial review of this order pursuant
10 to the provisions of ORS 183.480. Judicial review may be obtained
11 by filing a petition in the Oregon Court of Appeals. The petition
12 must be filed within 60 days from the date of service of this order.

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CERTIFICATE OF MAILING

I hereby certify that I served the foregoing Order by mailing a true copy thereof, certified by me as such, by U.S. first class mail, and U. S. Certified Mail, with Return Receipt Requested addressed to:

LEROY KELLY
P O BOX 639
VICTOR ID 83455

Dated this 10th day of December, 1996.

By: Charlene A. Smith
Charlene A. Smith
Secretary to the Commission