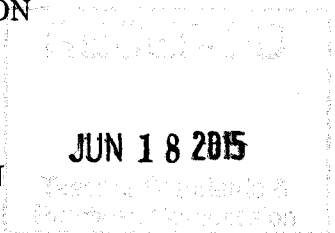


1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
2 OF THE STATE OF OREGON



3 In the Matter of the ) STIPULATION OF FACTS AND  
4 Educator License of ) FINAL ORDER OF SUSPENSION  
5 KELLY JEAN BURTON ) AND PROBATION

6 On or about January 10, 2013, the Teacher Standards and Practices Commission  
7 (Commission) received a report from the Medford School District indicating that licensed educator  
8 Kelly Burton (Burton) may have violated professional standards.

9 Burton cooperated with the Commission's investigation in this matter. After review of the  
10 matters alleged, Burton and the Commission agree that their respective interests, together with the  
11 public interest, are best served by a stipulation to certain facts, and the imposition of a sixty (60) day  
12 suspension of Burton's Oregon educator license followed by a four (4) year period of probation.

13 This document sets forth the facts upon which the parties have agreed and the stipulated  
14 sanction to be imposed. Burton stipulates that there is sufficient evidence in the Commission's files  
15 and records to support the findings of fact, conclusions of law, and order set forth below.

16 By signing below, Burton acknowledges, understands, stipulates, and agrees to the following:  
17 (i) she has been fully advised of her rights to notice and a hearing to contest the findings of fact,  
18 conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights  
19 to appeal or otherwise challenge this Stipulation of Facts and Final Order of Suspension (Stipulation  
20 and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public  
21 upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject  
22 to approval and adoption by the Commission. If the Commission does not approve and adopt this  
23 Stipulation and Final Order, then neither Burton nor the Commission are bound by the terms herein;  
24 (iv) she has fully read this Stipulation and Final Order, and understands it completely; (v) she  
25 voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to  
26 issuance and entry of the Stipulated Final Order below; (vi) she states that no promises or  
27 representation has been made to induce her to sign this Stipulation and Final Order; and (vii) she has  
28 consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with  
29 regard to her rights thereto, or waives any and all rights to consult with an attorney prior to entering  
30 into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

31

32 **STIPULATION OF FACTS**

33 1) The Commission has licensed Burton since September 6, 2005. Burton currently holds an Initial  
34 II Teaching License with endorsements in Multiple Subjects (MIDLVL) and Language Arts (HS,  
35 ML); which was valid from May 12, 2012, through May 6, 2015; however, because Burton made  
36 timely application for renewal of her license, Burton's licensure expiration was pended awaiting

1 the outcome of the investigation. During all relevant times, Burton was employed by the Medford  
2 School District.

- 3 2) On January 10, 2013, the Commission received a report from the Medford School District  
4 indicating Burton was the subject of a district investigation that resulted in discipline. The district  
5 reported that Burton's conduct may have violated professional standards. The district advised that  
6 the incidents in question occurred at the end of the 2010-2011 school year, and the district  
7 conducted / concluded its investigation during the beginning of the 2011-2012 school year. The  
8 district also reported that while they fully intended to make a timely report to the Commission as  
9 indicated in the local discipline materials, a communication problem resulted in the report to the  
10 Commission being delayed until January of 2013.
- 11 3) Investigation determined that the Medford School District had received a complaint from Western  
12 Oregon University Professor, Beth Gibson, who supervised then student teacher, Steve Cave. Cave  
13 had been assigned to Burton for student teaching in the spring of 2011, and at the end of the year,  
14 Cave made a variety of allegations against Burton, including that there were some discrepancies  
15 between Burton's grade book and final grades, that Burton asked a student aide to get her lunch  
16 off campus, that Burton left campus before the end of the work day, and that Burton used  
17 profanity during his evaluation. The District's investigation could not conclusively determine that  
18 the allegations occurred, but issued directives to address the issues of concern. Burton's Assistant  
19 Principal reports that Burton has fully complied with all of the directives and succeeded in  
20 addressing the concerns raised by the complaint and demonstrating professional responsibility. .
- 21 4) In the process of investigating the 2013 school district report, Commission investigators learned of  
22 a previous 2007 incident where Burton had been issued a letter of reprimand. The district  
23 investigated a patron complaint that resulted in Burton being disciplined for allowing two minor  
24 aged female students to spend the night at Burton's residence after babysitting for Burton's child.

25  
26 IT IS SO STIPULATED:

27 Kelly J. Burton

28 Kelly Jean Burton

29 Victoria Chamberlain

30 Victoria Chamberlain, Executive Director

31 Teacher Standards and Practices Commission

June 15, 2015

Date

6-25-15

Date

32  
33 **CONCLUSIONS OF LAW**

34 Kelly Jean Burton's conduct as described in section three above, constitutes gross neglect of  
35 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-  
36 0010(4) (*Raise educational standards*), OAR 584-020-0010(5) (*Use professional judgment*), OAR

1 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*); OAR 584-020-  
2 0040(4)(o) as it incorporates OAR 584-020-0035(1)(b) (*Refrain from exploiting relationships with*  
3 *any student for personal gain, or in support of persons or issues*), and OAR 584-020-0035(1)(c)(D)  
4 (*Honoring appropriate adult boundaries with students in conduct and conversations at all times*).

5 Burton's conduct as described in section four above, constitutes gross neglect of duty in  
6 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5)  
7 (*Use professional judgment*), and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-  
8 0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and conversations*  
9 *at all times*).

10 The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

11  
12 **ORDER**

13 The Commission hereby adopts and incorporates herein the above stipulation of facts,  
14 conclusions of law, and based thereon hereby imposes a sixty (60) day suspension upon Burton's  
15 Oregon educator license as follows:

16 Kelly Jean Burton's Oregon educator license is suspended for sixty (60) days following the  
17 adoption of this order.

18 Furthermore, the Commission imposes four (4) years of probation upon Burton to commence  
19 upon reinstatement of her license and subject to the following terms and conditions of probation:

- 20 1. Burton shall comply with the Standards for Competent and Ethical Performance of Oregon  
21 Educators under Oregon Administrative Rules Chapter 584, Division 020.  
22 2. Burton shall not supervise student teachers until after the end of the 2017 school year.

23  
24 IT IS SO ORDERED this 25<sup>th</sup> day of June, 2015.

25 TEACHER STANDARDS AND PRACTICES COMMISSION

26  
27 By:   
28 Victoria Chamberlain, Executive Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Suspension and Probation, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail — Return Receipt Requested, addressed to:

Kelly Jean Burton  
2456 Argonne Avenue  
Medford, OR 97504-8552

DATED this 6<sup>th</sup> day of July, 2015.

By: Patty Liddell  
Patty Liddell  
Investigative Assistant

Certificate of Mailing – Burton, Kelly Jean

Data Classification Level: 3 – Confidential  
DO: Liddell