

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

In the Matter of the)
Educator License of)
JODY LEE ALLARD)

On October 16, 2015, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Jody Lee Allard (Allard) in which the Commission charged him with Gross Neglect of Duty and Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7015 0640 0004 7539 9800 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 receipt was returned signed to the Commission on October 21, 2015, and the regular first class mail was not returned to the Commission and assumed delivered. The Notice of Opportunity of Hearing, dated October 16, 2015, and signed by Victoria Chamberlain, Executive Director, stated:

“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.”

Allard did not request a hearing. The Commission, therefore, finds Allard to be in default and enters the following findings of fact, conclusions of law, and final order, based on the files and records of the Commission concerning this matter.

FINDINGS OF FACT

1. Jody Lee Allard has been licensed by the Commission since November 4, 1998. Allard's Standard Teaching License, with endorsements in Basic Mathematics (018) and Standard Exceptional Learner II (018), was valid from January 21, 2012, through January 20, 2017. During all relevant times, Allard was employed by the Bethel School District.
2. On or about April 17, 2014, a warrant was issued for Allard's arrest charging Allard with the crimes of Commercial Sex-Encouraging Child Sex Abuse. On May 11, 2014, Allard was arrested in Colorado and extradited back to Oregon. On July 30, 2014,

1 Allard was charged with ten counts of Encouraging Child Sex Abuse in the First
2 Degree and ten counts of Encouraging Child Sex abuse in the second degree. On
3 December 18, 2014, Allard plead guilty to and was subsequently convicted in the
4 Lane County Circuit Court of three counts of Encouraging Child Sex Abuse in the
5 First Degree, ORS 163.684, a class B felony and one count of Encouraging Child Sex
6 Abuse in the Second Degree, ORS 163.686, a class C Felony. Allard was sentenced to
7 60 months in prison, followed by probation, required to undergo sex offender
8 evaluation and treatment, and Allard must register as a sex offender.

- 9 3. Allard's convictions arose from allegations that included that Allard possessed child
10 pornography and shared / exchanged child pornography over the internet.

11 CONCLUSIONS OF LAW

12 Allard's convictions constitutes gross neglect of duty in violation of ORS
13 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
14 *professional judgment*); OAR 584-020-0040(1)(bb) (*ORS 163.684 – Encouraging*
15 *Child Sex Abuse in the First Degree*), and OAR 584-020-0040(1)(cc) (*ORS 163.686 –*
16 *Encouraging Child Sex Abuse in the Second Degree*). This conduct also constitutes
17 gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction*
18 *of violating any federal, state, or local law. A conviction includes any final judgment of*
19 *conviction by a court whether as the result of guilty plea, no contest plea or any other*
20 *means*); OAR 584-020-0040(5)(d) (*Commission of an act listed in OAR 584-020-*
21 *0040(1); and OAR 584-020-0040(5)(e) (Admission of or engaging in acts constituting*
22 *criminal conduct, even in the absence of a conviction*).

23 Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards
24 and Practices Commission must revoke your license and your right to apply for a license
25 based on your conviction of any of the crimes listed in ORS 342.143(3)(a), or the
26 substantial equivalent of any of those crimes.

27 Furthermore, the conduct underlying Allard's convictions constitutes gross
28 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it
29 incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-
30 0040(4)(k) (*Violation of any rule or order of the Commission*); OAR 584-020-
31 0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the*

1 *profession by respecting and obeying the law, exemplifying personal integrity and*
2 *honesty).* Additionally, your conviction and conduct related to your conviction
3 constitute "gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(a)
4 and (d) as defined by OAR 584-020-0040 (5) ("*Gross unfitness is any conduct which*
5 *renders an educator unqualified to perform his or her professional responsibilities*").
6


7 The Commission's authority to impose discipline in this matter is based upon ORS
8 342.175.

9 **FINAL ORDER**

10 The Commission hereby revokes Jody Lee Allard's teaching license and his right
11 to apply for licensure.

12 IT IS SO ORDERED THIS 15th day of January, 2016.

13 TEACHER STANDARDS AND PRACTICES COMMISSION
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16 By: 
17 Victoria Chamberlain, Executive Director
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21 **NOTICE OF APPEAL OR RIGHTS**
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23 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
24 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
25 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
26 ORS 183.482 TO THE OREGON COURT OF APPEALS.