

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON
3

4 In the Matter of the Educator) DEFAULT ORDER OF
5 License of) REVOCATION OF
6 KENNITH SCOTT PONS) EDUCATOR LICENSE
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9 On December 13, 2013, the Teacher Standards and Practices Commission
10 (Commission) issued a Notice of Opportunity for Hearing to Kenneth Scott Pons (Pons) in
11 which the Commission charged him with Gross Neglect of Duty. The Notice was sent via
12 U.S. First Class Mail and U.S. Certified Mail Receipt 7012 1010 0003 2804 2407 to the
13 address on file with the Commission. The Notice designated the Commission file as the
14 record for purposes of proving a prima facie case. The Certified Mail was returned to the
15 Commission "Unclaimed". The first class mail was not returned to the Commission. The
16 Notice of Opportunity of Hearing, dated December 13, 2013, and signed by Victoria
17 Chamberlain, Executive Director, stated:

18 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY
19 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
20 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
21 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU
22 FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER
23 OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF
24 YOUR LICENSE OR OTHER DISCIPLINE."
25

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

29 **FINDINGS OF FACT**

- 30 1. Pons has been licensed as a teacher in Oregon since April 11, 1994. Pons's Initial
31 Administrator License, with an endorsement in Administrator (ALL LVL) was
32 issued on February 25, 2012, and expires on February 24, 2015. Pons previously
33 held a Standard Teaching License issued February 25, 2008, with multiple
34 endorsements that expired on February 24, 2013. During all relevant times, Pons
35 was employed by the South Umpqua School District.
36

- 1 2. On November 15, 2012, the Commission received a complaint from the
2 administration of the South Umpqua School District indicating Pons may have
3 committed acts which constitute gross neglect of duty. An investigation determined
4 that during the time of March 2012 and August 2012:
- 5 a) Pons exchanged inappropriate communications with a female student via cell
6 phone and text messages, including exchanging photos/videos.
 - 7 b) Pons provided this student with unearned and preferential credits to assist her in
8 meeting graduation requirements.
 - 9 c) Pons met with the student in person, outside of school, and engaged in physical
10 contact that included inappropriate touching and kissing. This included taking
11 the student on a trip over a weekend where Pons and the student shared a bed
12 and cuddled together.
 - 13 d) Pons gave the student overly personal gifts.
- 14
- 15 3. Pons refused to comply with multiple requests by the Commission to meet with their
16 investigator to be interviewed and / or provide documents as required.
- 17 4. On November 19, 2012, Pons resigned from employment with the South Umpqua
18 School District.

19 CONCLUSIONS OF LAW

20 Pons' conduct described in section two (2) above constitutes gross neglect of duty in
21 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
22 0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(o) as is incorporates OAR
23 584-020-0035(1)(c)(A) (*Not demonstrating or expressing professionally inappropriate*
24 *interest in a student's personal life*), OAR 584-020-0035(1)(c)(B) (*Not accepting or giving*
25 *or exchanging romantic or overly personal gifts or notes with a student*), OAR 584-020-
26 0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and*
27 *conversation at all times*); and OAR 584-020-0040(4)(f) (*Any sexual conduct with a*
28 *student*). The Commission may rely on the definitions of sexual conduct in ORS 339.370(9)
29 and OAR 584-020-0005(5).

30

31 Pons' conduct described in section three (3) above constitutes gross neglect of duty in


1 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(p) (*Subject to the exercise of any*
2 *legal right or privilege, failure or refusal by an educator under investigation to respond to*
3 *requests for information, to furnish documents or to participate in interviews with a*
4 *Commission representative relating to a Commission investigation*).
5

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

9 **FINAL ORDER**

10 The Commission hereby revokes Kenneth Scott Pons' Educator License.
11 IT IS SO ORDERED THIS 11th day of February, 2014.

12 TEACHER STANDARDS AND PRACTICES COMMISSION

13 By: 
14 Victoria Chamberlain, Executive Director
15

16 **NOTICE OF APPEAL OR RIGHTS**
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18 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
19 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
20 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
21 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.