

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

In the Matter of the)	DEFAULT ORDER OF
Teaching License of)	LICENSE REVOCATION AND
STEVEN KENNETH DERLACKI)	REVOCATION OF RIGHT TO APPLY

On April 25, 2012, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Steven Kenneth Derlacki (Derlacki) 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 7009 1410 0002 1925 3358 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 was signed for, and the return receipt was received by TSPC on April 30, 2012. The regular mail was not returned to the Commission. The Notice of Opportunity of Hearing, dated April 25, 2012, 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.”

Derlacki did not request a hearing. The Commission, therefore, finds Derlacki 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. Steven Kenneth Derlacki has been licensed by the Commission since February 2, 2006. Derlacki's Initial II Teaching License with endorsements in Multiple Subjects Self-Contained (ECE,ELE) and Special Education (ECE/ELE L), was issued January 6, 2010, and expires on January 5, 2013. During all relevant times, Derlacki was employed by the Roseburg School District.
2. On January 24, 2012, Derlacki pled guilty to eight counts of Encouraging Child Sex Abuse in the First Degree (ORS 163.684). Derlacki was sentenced to 44 months incarceration and required to register as a sex offender upon his release. Derlacki's conviction arose from allegations that he downloaded and possessed over five hundred (500) videos and photographs of minors involved in sex acts (Child Pornography) on his computer. Derlacki's

1 employer at the time, Roseburg School District, discovered evidence that Derlacki had used a
2 district computer to access pornography related sites.

3 CONCLUSIONS OF LAW

4 Derlacki's convictions constitutes gross neglect of duty in violation of ORS 342.175(1)(b);
5 OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional*
6 *judgment*); and OAR 584-020-0040(1)(bb) (*ORS 163.684 – Encouraging Child Sexual Abuse in*
7 *the First Degree*). This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c);
8 OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct,*
9 *even in the absence of a conviction*). Pursuant to ORS 342.175(2)(a) and OAR 584-020-0040(1)
10 the Commission will deny, revoke or deny the right to apply for a license or charter school
11 registration to any applicant or educator who, has been convicted of any of the crimes listed in
12 ORS 342.143.

13 Furthermore, the conduct underlying Derlacki's convictions constitutes gross neglect of
14 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-
15 020-0010(5) (*Use professional judgment*); Also, the conduct underlying Derlacki's convictions
16 constitute "gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(a) and (d)
17 as defined by OAR 584-020-0040 (5) (*"Gross unfitness is any conduct which renders an*
18 *educator unqualified to perform his or her professional responsibilities"*)


19 The Commission's authority to impose discipline in this matter is based upon ORS
20 342.175.

21 FINAL ORDER

22 The Commission hereby revokes the licensure of Steven Kenneth Derlacki and revokes
23 Derlacki's right to apply for licensure.

24 IT IS SO ORDERED THIS 20th day of September, 2012.

25 TEACHER STANDARDS AND PRACTICES COMMISSION

26 By: 
27 Victoria Chamberlain, Executive Director
28

29 NOTICE OF APPEAL OR RIGHTS

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31 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
32 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
33 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
34 THE OREGON COURT OF APPEALS.