

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

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

JUN 18 2015

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

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

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

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

STIPULATION OF FACTS

- 1) The Commission has licensed Burton since September 6, 2005. Burton currently holds an Initial II Teaching License with endorsements in Multiple Subjects (MIDLVL) and Language Arts (HS, ML); which was valid from May 12, 2012, through May 6, 2015; however, because Burton made 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 25th day of June, 2015.

25 TEACHER STANDARDS AND PRACTICES COMMISSION

26
27 By: 

28 Victoria Chamberlain, Executive Director