

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 JOHN ARTHUR KLUTTZ) LICENSE
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9 On September 16, 2014, the Teacher Standards and Practices Commission
10 (Commission) issued a Notice of Opportunity for Hearing to John Arthur Kluttz (Kluttz) 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 4821 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 receipt was returned to
15 the Commission "signed" on September 19, 2014. The first class mail was not returned to
16 the Commission. The Notice of Opportunity of Hearing, dated September 16, 2014, and
17 signed by Victoria 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."
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26 On September 24, 2014, Kluttz requested a hearing. The hearing was scheduled for July 8-9,
27 2015. On July 8, 2015, the Commission representatives appeared before Judge Gutman at
28 the Office of Administrative Hearings on time and prepared to participate in the scheduled
29 hearing. Kluttz failed to appear for the hearing as scheduled. Judge Gutman entered all
30 Commission offered exhibits and pleadings into the record and declared the hearing a
31 default. The Commission, therefore, finds Kluttz to be in default and enters the following
32 findings of fact, conclusions of law, and final order, based on the files and records of the
33 Commission concerning this matter.
34

35 **FINDINGS OF FACT**

- 36 1. The Commission has licensed Kluttz since July 13, 2009. Kluttz's Initial I Teaching
37 License, with an endorsement in Music (ML/HS), was valid from September 21,

1 2012, through September 20, 2015. During all relevant times, Kluttz was employed
2 by the Greater Albany School District as a teacher.

- 3
- 4 2. On December 17, 2013, the Commission received a report from the Greater Albany
5 School District indicating Kluttz was under investigation by the district and local law
6 enforcement regarding allegations of inappropriate communications with a student.
7 On December 26, 2013, the Commission received an additional complaint from a
8 patron indicating Kluttz had inappropriately communicated with a student. The
9 patron complaint included a copy of a protective stalking order the patron had filed
10 against Kluttz. The investigation determined that during the 2012-2013 school year,
11 Kluttz inappropriately communicated with 13 year old, female student, AM, via text
12 and instant message programs. Kluttz's communications with AM number in the
13 thousands and included messages exchanged as early as 5:30 a.m. and as late as 1:44
14 a.m. In the course of these communications with AM, Kluttz learned that AM was
15 hurting herself by snapping herself with rubber bands and later by cutting herself.
16 Kluttz did not report AM's self-harm as required by mandatory reporting laws. Kluttz
17 referred to AM as "Inion" or "daughter" in Celtic and had entered her this way in his
18 cell phone contacts. AM had Kluttz listed as "Daidi", Celtic for "daddy" on her phone.
19 On or about July 2013, AM's mother and custodial parent Amy, discovered that
20 Kluttz and AM were exchanging text messages. Amy contacted Kluttz and told him to
21 stop such communications with AM because she felt it was inappropriate for a
22 teacher to text a student during summer break. Amy told Kluttz that if he needed to
23 contact AM for school or voice lessons, Kluttz could contact her (Amy) for such
24 arrangements. Amy told Kluttz that she wanted to establish clear, definite lines and
25 boundaries, and Kluttz agreed. At the start of the 2013-2014 school year, Kluttz
26 began to text AM again. Kluttz sought permission to communicate with AM from her
27 non-custodial father and conspired to keep it a secret from AM's mother. Kluttz's
28 text conversations were overly personal in nature and included the sharing of
29 personal information including; AM telling Kluttz she loved him, Kluttz telling AM
30 that he loved her, and how lucky Kluttz was to have her.

1 3. During the course of the investigation, it was discovered that Kluttz had engaged
2 another eighth grade, female student, ED, in inappropriate conversations using text
3 messages and messaging programs through the computer program Pintrest. Kluttz's
4 conversations with ED were overly personal, Kluttz exchanged "I love you" and other
5 personal sentiments. Kluttz and ED discussed how using the Pintrest messenger
6 allowed them to converse in secret, and Kluttz discussed having to delete his
7 messages so others would not find them. Kluttz refers to ED as "Daughter," and she
8 refers to Kluttz as "Dad" in their conversations. A search of Kluttz's school computer
9 and cell phone discovered a multitude of photographs of ED.
10

11 CONCLUSIONS OF LAW

12 John Arthur Kluttz engaged in unprofessional conduct as described in section two
13 (2) above. Kluttz's conduct detailed above, constitutes gross neglect of duty in violation of
14 ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5)
15 (*Use professional judgment*); OAR 584-020-0040(4)(s) (*Failing to report child abuse*
16 *pursuant to ORS 419B.010*); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-
17 0035(1)(b)(*Refrain from exploiting relationships with any student for personal gain, or*
18 *in support of persons or issues*), OAR 584-020-0035(1)(c)(A) (*Not demonstrating or*
19 *expressing professionally inappropriate interest in a student's personal life*), OAR 584-
20 020-0035(1)(c)(B) (*Not accepting or giving or exchanging romantic or overly personal*
21 *gifts or notes with a student*); and OAR 584-020-0035(1)(c)(D) (*Honoring appropriate*
22 *adult boundaries with students in conduct and conversations at all times*).

23 John Arthur Kluttz engaged in unprofessional conduct as described in section three
24 (3) above. Kluttz's conduct detailed above, constitutes gross neglect of duty in violation of
25 ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
26 *professional judgment*); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-
27 0035(1)(b)(*Refrain from exploiting relationships with any student for personal gain, or in*
28 *support of persons or issues*), OAR 584-020-0035(1)(c)(A) (*Not demonstrating or*
29 *expressing professionally inappropriate interest in a student's personal life*), OAR 584-020-
30 0035(1)(c)(B) (*Not accepting or giving or exchanging romantic or overly personal gifts or*
31 *notes with a student*); and OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult*


1 *boundaries with students in conduct and conversations at all times).*

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3 The Commission's authority to impose discipline in this matter is based upon ORS
4 342.175.

5
6 **FINAL ORDER**

7 The Commission hereby revokes John Arthur Kluttz's Educator license.
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9 IT IS SO ORDERED THIS 9th day of July, 2015.

10 TEACHER STANDARDS AND PRACTICES COMMISSION

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12 
13 By: _____
14 Victoria Chamberlain, Executive Director

15 **NOTICE OF APPEAL OR RIGHTS**

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