

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

In the Matter of the)
Educator License of)
JONATHAN MICHAEL PEACHEY)

On May 31, 2016, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Jonathan Michael Peachey (Peachey) 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 7073 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 returned to the Commission as “unclaimed”. The regular first class mail was not returned to the Commission and is assumed to have been delivered. The Notice of Opportunity of Hearing, dated May 31, 2016, 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.”

Peachey did not request a hearing. The Commission, therefore, finds Peachey 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. Jonathan Michael Peachey has been licensed by the Commission since August 13, 2003. Peachey's Initial II Teaching License, with endorsements in ESOL (ML/HS, ECE/ELE L), ESOL/Bilingual (ML/HS, ECE/ELE L), and Spanish (HS) is valid from August 14, 2013, through July 4, 2017. During all relevant times, Peachey was employed by the West Linn-Wilsonville School District.
2. On February 3, 2016, Peachey pled guilty to, and was convicted of, two counts of Sexual Abuse in the Third Degree (ORS 163.415), a class A Misdemeanor. Peachey

1 was sentenced to sixty days in jail, 36 months of supervised probation, and required
2 to register as a sex offender.

- 3 3. Peachey's convictions arose from allegations that on or about August 2015, through
4 September 2015, Peachey subjected students, under the age of 18, to sexual contact.
5 Investigation determined Peachey provided minor aged students with alcoholic
6 beverages, slept in the same bed as students, spooned with students, touched the
7 penis of the students, discussed oral sex with the students, and asked these students
8 if they were sexually aroused.

9 CONCLUSIONS OF LAW

10 Peachey's convictions constitutes gross neglect of duty in violation of ORS
11 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
12 *professional judgment*); and OAR 584-020-0040(1)(m) (*ORS 163.415 – Sexual Abuse in*
13 *the Third Degree*). This conduct also constitutes gross unfitness in violation of ORS
14 342.175(1)(c); OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting*
15 *criminal conduct, even in the absence of a conviction*). Additionally, Peachey's
16 convictions constitute "gross unfitness" in violation of ORS 342.175(1)(c), OAR 584-
17 020-0040(3)(a) and (d) as defined by OAR 584-020-0040 (5) ("*Gross unfitness is any*
18 *conduct which renders an educator unqualified to perform his or her professional*
19 *responsibilities*").

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

24 Furthermore, the conduct underlying Peachey's indictments and convictions
25 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
26 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR
27 584-020-0040(4)(k) (*Violation of any rule or order of the Commission*); OAR 584-
28 020-0040(4)(f) (*Any sexual conduct with a student*) as defined by OAR 584-020-
29 0005(5); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(A)
30 (*Not demonstrating or expressing professionally inappropriate interest in a student's*
31 *personal life*), OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries*

1 with students in conduct and conversations at all times); and OAR 584-020-
2 0035(3)(a)(Maintain the dignity of the profession by respecting and obeying the law,
3 exemplifying personal integrity and honesty). Additionally, Peachey's convictions and
4 conduct related to Peachey's convictions constitute "gross unfitness" in violation of ORS
5 342.175(1)(c); OAR 584-020-0040(3)(a) and (d) as defined by OAR 584-020-0040 (5)
6 ("Gross unfitness is any conduct which renders an educator unqualified to perform his
7 or her professional responsibilities").

8
9 The Commission's authority to impose discipline in this matter is based upon ORS
10 342.175.

11 **FINAL ORDER**

12 The Commission hereby revokes Jonathan Michael Peachey's Oregon educator
13 license and his right to apply for an Oregon educator license.

14 IT IS SO ORDERED THIS 15th day of August, 2016.

15 TEACHER STANDARDS AND PRACTICES COMMISSION

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17
18 By: Monica Beane
19 Dr. Monica Beane, Executive Director

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23 **NOTICE OF APPEAL OR RIGHTS**

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