

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

3
4 In the Matter of the) DEFAULT ORDER OF
5 Educator License of) REVOCATION AND REVOCATION
6 SCOTT LAYTON YORKE) OF RIGHT TO APPLY
7

8
9 On August 17, 2016, the Teacher Standards and Practices Commission
10 (Commission) issued a Notice of Opportunity for Hearing to Scott Layton Yorke (Yorke)
11 in which the Commission charged him with Gross Neglect of Duty and Gross Unfitness.
12 The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7015 3010
13 0002 3171 1064 to the address on file with the Commission. The Notice designated the
14 Commission file as the record for purposes of proving a prima facie case. The Certified
15 Mail was returned signed to the Commission on August 25, 2016. The regular first class
16 mail was not returned to the Commission. The Notice of Opportunity of Hearing, dated
17 August 17, 2016, and signed by Dr. Monica Beane, 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
22 YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN
23 ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR
24 SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
25

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

29 **FINDINGS OF FACT**

- 30 1. Scott Layton Yorke has been licensed by the Commission since October 24, 2012.
31 Yorke's Initial I Teaching License, with an endorsement in Music (ML/HS), was
32 valid from October 24, 2012, through August 7, 2016. During all relevant times,
33 Yorke was employed by the Butte Central High School in Hamilton, Montana.
34 2. On July 15, 2016, as part of a plea agreement, Yorke was convicted of Sexual Assault,
35 MCA 45-5-502(1)(3), a Felony, Negligent Endangerment, MCA 45-5-208, a
36 misdemeanor, and Unlawful Transactions with Children, MCA 45-5-623(1)(c), a

1 misdemeanor in the Ravalli County District Court of Montana. Yorke was sentenced
2 in part, to 20 years in prison, and required to register as a sex offender.

- 3
4 3. Yorke's convictions arose from allegations that on or about March 6, 2015, while
5 supervising students at a school event (traveling and staying at an away girls'
6 basketball tournament), Yorke subjected a student, under the age of 18, to sexual
7 contact without consent. Yorke's sexual contact included digital penetration and oral
8 sex. Investigation determined Yorke also provided minor aged students with
9 alcoholic beverages, and failed to care for these same intoxicated students when they
10 became ill and required care.

11 CONCLUSIONS OF LAW

12 Yorke's convictions constitute gross neglect of duty in violation of ORS
13 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
14 *professional judgment*); and OAR 584-020-0040(1) (*The Commission will deny, revoke*
15 *or deny the right to apply for a license or charter school registration to any applicant*
16 *or educator who, has been convicted of any of the crimes listed in ORS 342.143, or the*
17 *substantial equivalent of any of those crimes if convicted in another jurisdiction*),
18 including OAR 584-020-0040(1)(o) (*ORS 163.427 – Sexual Abuse in the First Degree*).
19 This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR
20 584-020-0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct,*
21 *even in the absence of a conviction*). Additionally, Yorke's convictions constitute "gross
22 unfitness" in violation of ORS 342.175(1)(c), OAR 584-020-0040(3)(a) and (d) as
23 defined by OAR 584-020-0040 (5) (*"Gross unfitness is any conduct which renders an*
24 *educator unqualified to perform his or her professional responsibilities"*).

25
26 Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards
27 and Practices Commission must revoke Yorke's license and Yorke's right to apply for a
28 license based on conviction of any of the crimes listed in ORS 342.143(3)(a), or the
29 substantial equivalent of any of those crimes.

30
31 Furthermore, the conduct underlying Yorke's indictments and convictions

1 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
2 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR
3 584-020-0040(4)(k) (*Violation of any rule or order of the Commission*); OAR 584-
4 020-0040(4)(f) (*Any sexual conduct with a student*) as defined by OAR 584-020-
5 0005(5); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D)
6 (*Honoring appropriate adult boundaries with students in conduct and conversations*
7 *at all times*); and OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by*
8 *respecting and obeying the law, exemplifying personal integrity and honesty*).
9 Additionally, Yorke's conviction and conduct related to Yorke's conviction constitute
10 "gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(a) and (d) as
11 defined by OAR 584-020-0040 (5) (*"Gross unfitness is any conduct which renders an*
12 *educator unqualified to perform his or her professional responsibilities"*).
13

14 The Commission's authority to impose discipline in this matter is based upon ORS
15 342.175.
16

16 FINAL ORDER

17 The Commission hereby revokes Scott Layton Yorke's Oregon educator license
18 and his right to apply for licensure.

19 IT IS SO ORDERED THIS 30th day of September, 2016.

20 TEACHER STANDARDS AND PRACTICES COMMISSION

21
22 

23 By: _____
24 Dr. Monica Beane, Executive Director
25
26
27

28 NOTICE OF APPEAL OR RIGHTS

29
30 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
31 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
32 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
33 ORS 183.482 TO THE OREGON COURT OF APPEALS.