

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

In the Matter of the)	DEFAULT ORDER OF
Educator License of)	REVOCATION AND REVOCATION
YODER, MATTHEW DAVID)	OF RIGHT TO APPLY

On May 7, 2014, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Matthew David Yoder (Yoder) 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 7010 2780 0000 2187 3149 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 May 13, 2014. The regular mail was not returned to the Commission. The Notice of Opportunity of Hearing, dated May 7, 2014, 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."

Yoder did not request a hearing. The Commission, therefore, finds Yoder 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. Matthew David Yoder has been licensed by the Commission since September 26, 2006. Yoder's Initial I Teaching License, with an endorsement in Social Studies (HS), was issued on November 16, 2010, and expires on November 6, 2014. During all relevant times, you were employed by the Western Mennonite School, a private school.
2. On April 15, 2014, Yoder pled guilty to and was convicted of three counts of Sexual Abuse in the second degree (ORS 163.425). Yoder was sentenced to thirty two (32)

1 months in prison, followed by a period of probation, and required to register as a sex
2 offender.

- 3 3. Yoder's convictions arose from allegations that included Yoder had sexual contact to
4 include sexual intercourse, with a 15 year old female student during the time she
5 attended and Yoder was employed by the Western Mennonite School. Yoder's sexual
6 relationship began sometime between October of 2010 and April of 2011, and
7 continued until approximately November of 2011. Yoder's sexual contact with this
8 student included sexual intercourse, oral sex, and penetration with a foreign object
9 (sex toy).

10 CONCLUSIONS OF LAW

11 Yoder's convictions constitutes gross neglect of duty in violation of ORS
12 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
13 *professional judgment*); and OAR 584-020-0040(1)(n) (*ORS 163.425 – Sexual Abuse in*
14 *the Second Degree*). This conduct also constitutes gross unfitness in violation of ORS
15 342.175(1)(c); OAR 584-020-0040(5)(d) (*Commission of an act listed in OAR 584-020-*
16 *0040(1)*), and OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting*
17 *criminal conduct, even in the absence of a conviction*). Pursuant to ORS 342.175(2)(a)
18 and OAR 584-020-0040(1) the Commission will deny, revoke or deny the right to apply
19 for a license or charter school registration to any applicant or educator who, has been
20 convicted of any of the crimes listed in ORS 342.143.

21
22 Furthermore, the conduct underlying Yoder's indictments and conviction
23 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
24 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR
25 584-020-0040(4)(k) (*knowing violation of any order or rule of the Commission*); and
26 OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D) (*Honoring*
27 *appropriate adult boundaries with students in conduct and conversations at all times*),
28 OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting and*
29 *obeying the law, exemplifying personal integrity and honesty*); and OAR 584-020-
30 0040(4)(f) (*Any sexual conduct with a student*). Additionally, your convictions and
31 conduct related to your convictions constitute "gross unfitness" in violation of ORS

1 342.175(1)(c), OAR 584-020-0040(3)(a) and (d) as defined by OAR 584-020-0040 (5)
2 (*"Gross unfitness is any conduct which renders an educator unqualified to perform his*
3 *or her professional responsibilities"*).
4

5 The Commission's authority to impose discipline in this matter is based upon ORS
6 342.175.

7 **FINAL ORDER**

8 The Commission hereby revokes Matthew David Yoder's educator license and
9 revokes his right to apply for an educator license.

10 IT IS SO ORDERED THIS 1st day of July, 2014.

11 TEACHER STANDARDS AND PRACTICES COMMISSION
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13



14 By: _____
15 Victoria Chamberlain, Executive Director
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19 **NOTICE OF APPEAL OR RIGHTS**
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21 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
22 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
23 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
24 ORS 183.482 TO THE OREGON COURT OF APPEALS.