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In the Matter of the
Teaching License of
JAY TERRY SCALISE

On April 15, 2010, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Jay T. Scalise (Scalise) in which the Commission charged him with Gross Neglect of Duty pursuant to OAR 584-020-0010(5), OAR 584-020-0025(3)(a), OAR 584-020-0040(4)(s), OAR and OAR 584-020-0035(1)(a). The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7009 1410 0002 1925 4843 to the address on file with the Commission. The U.S. Postal Service returned the certified mail to the Commission on May 13, 2010 as unclaimed. The first class mail was not returned to the Commission, however, indicating that the address on file with the Commission was correct. The Notice of Opportunity of Hearing, dated June 4, 2010, 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.”

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

1. Scalise has been licensed as a teacher in Oregon since January 26, 1999. His current Initial I Teaching license, with endorsements in physical education expired on January

1 26, 2009. During all relevant times, he was employed as Director of the Academy of
2 Alternatives, a charter school in the Gresham-Barlow School District.

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4 2. On November 11, 2005, Scalise hired Mr. Daniel Alcazar as a teacher's aide at the
5 Academy of Alternatives. Mr. Alcazar was previously convicted of murder in the state of
6 Oregon, a conviction under ORS 342.143 that prohibits the Commission or the Oregon
7 Department of Education from issuing a license, charter school registration or
8 authorization to work in a position where the individual will have direct unsupervised
9 contact with students. Scalise was aware that Mr. Alcazar had a criminal background.
10 Scalise did not submit Mr. Alcazar's fingerprints for a criminal background check as
11 required under ORS 342.125(5)(a)(C), ORS 181.539, ORS 326.603, OAR 581-022-
12 1730 and OAR 584-036-0010(3).

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14 3. On May 17, 2006, Scalise received a phone call from the father of a student alerting him
15 to the possibility of sexual contact between a 15-year-old female student and Mr.
16 Alcazar. Scalise took no action after receiving this information.

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18 4. On May 19, 2006, Scalise released a letter to Gresham-Barlow School District
19 administrators concerning the incident involving Mr. Alcazar and the female student. On
20 May 24, 2006, Scalise released a similar letter to students, staff and patrons of the
21 Academy of Alternatives. These letters included confidential personal information about
22 the student and characterized the sexual conduct as consensual.

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24 5. Scalise also did not submit other Academy of Alternatives employees to the Department
25 of Education for criminal background checks as required under ORS 342.125(5)(a)(C),
26 ORS 181.539, ORS 326.603, OAR 581-022-1730 and OAR 584-036-0010(3).

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CONCLUSIONS OF LAW

Jay Terry Scalise's above described conduct in allowing someone with a criminal conviction to serve in a school without conducting a proper background check constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-00(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*) and OAR 584-020-0025(3)(a) (*Leadership skills in managing the school, its students, staff, and programs as required by lawful and reasonable district policies, rules, and regulations, state and federal laws and regulations, and other programs as assigned, and assures that staff is informed of these requirement*). After being alerted to possible sexual contact between an employee under Scalise's supervision with a student, Scalise took no action. This conduct constitutes gross neglect of duty in violation of ORS 342.175(1)(b), ORS 419B.010 and OAR 584-020-0040(4)(s) (*Failing to report child abuse pursuant to ORS 419B.010*) and OAR 584-020-00(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*). The manner in which Scalise publicized and characterized this incident constitutes gross neglect of duty in violation of ORS 342.175(1)(b), OAR 584-020-00(4)(o) as it incorporates OAR 584-020-0035(1)(a) (*Keep the confidence entrusted in the profession as it relates to confidential information concerning a student and the student's family*) and OAR 584-020-0010(5) (*Use professional judgment*). Scalise's failure to submit other employees for criminal background checks before employment constitutes gross neglect of duty in violation of ORS 342.175(1); OAR 584-020-00(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*) and OAR 584-020-0025(3)(a) (*Leadership skills in managing the school, its students, staff, and programs as required by lawful and reasonable district policies, rules, and regulations, state and federal laws and regulations, and other programs as assigned, and assures that staff is informed of these requirement*). The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

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1 **FINAL ORDER**

2 The Commission hereby revokes Jay Terry Scalise's right to apply for an
3 educator license.

4 IT IS SO ORDERED THIS 9th day of August, 2010.

5 TEACHER STANDARDS AND PRACTICES COMMISSION

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8 By: Victoria Chamberlain
9 Victoria Chamberlain, Executive Director
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14 **NOTICE OF APPEAL OR RIGHTS**

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