BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 1 2 OF THE STATE OF OREGON 3 4 In the Matter of the Educator License of DEFAULT ORDER OF 5 SUSPENSION OF RIGHT TO APPLY JASON MERREL) 6) FOR AN EDUCATOR LICENSE 7 8 9 On September 4, 2019, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Jason Merrel (Merrel) in which the Commission 10 charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. 11 Certified Mail Receipt 7018 1830 0001 6178 6469 to the address on file with the Commission. The 12 Notice designated the Commission file as the record for purposes of proving a prima facie case. The 13 Certified Mail receipt was not returned to the Commission. The regular, first class mail was not 14 returned to the Commission, and both are assumed to have been delivered. The Notice of 15 Opportunity of Hearing, dated September 4, 2019, and signed by Anthony Rosilez, Executive 16 17 Director, stated: 18 "IF A REOUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR 19 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF 20 YOU DO NOT REQUEST A HEARING, WITHDRAW YOUR REQUEST FOR HEARING, OR 21 IF YOU FAIL TO APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU 22 WILL NOT APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF 23 DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR 24 25 LICENSE OR OTHER DISCIPLINE." 26 Merrel did not request a hearing. The Commission, therefore, finds Merrel to be in default and 27 enters the following findings of fact, conclusions of law, and final order, based on the files and 28 29 records of the Commission concerning this matter. 30 31 FINDINGS OF FACT 32 1. Jason Merrel has been licensed by the Commission since April 5, 2010. Merrel held a 33 Preliminary Teaching License, with endorsements in Drama (PK-12) and English Language 34 Arts (PK-12), valid from June 17, 2016 through June 16, 2019. Merrel did not make 35 application for renewal. During all relevant times, Merrel was employed by the Salem-Keizer 36 37 School District (SKSD). 38

- On March 27, 2017, the Commission received a report from SKSD alleging Merrel may have committed an act of gross neglect of duty and/or gross unfitness. Specifically, Merrel violated professional teacher / student boundaries.
- 3. Investigation determined that during the 2015 2016 and 20016 2017 school years, Merrel employed and /or used students, and former students, to provide babysitting services for his children. The majority of babysitters Merrel used were former students who had previously graduated. On at least one occasion, Merrel used a current student to provide babysitting services. Instead of paying for these services monetarily, Merrel provided "volunteer hours" towards the student's National Honor Society (NHS) Community Service hours.

 Investigation determined that paying for personal babysitting with credit for NHS volunteer hours was not an appropriate transaction. Additionally, Merrel paid a former student to provide babysitting services at his residence. This former student, with Merrel's permission, brought a friend with her who was still a student at Merrel's school. Upon Merrel's return home, Merrel inappropriately interacted with both the former and current student.

 Specifically, Merrel returned home intoxicated and discussed overly personal information including details of his sex life with them. SKSD found that Merrel's conduct violated district policies related to teacher / student boundaries and placed Merrel on administrative leave.

 On March 22, 2017, Merrel resigned his employment with SKSD effective April 15, 2017.

CONCLUSIONS OF LAW

Merrel's conduct described in sections two (2) and three (3) above, constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*); and (OAR 584-020-0040(4)(o) as is incorporates OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and conversation at all times*).

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

32 FINAL ORDER

The Commission hereby suspends Jason Merrel's right to apply for an Oregon educator license for a period of thirty (30) days, to begin upon the date this order is signed and in effect.

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1	IT IS SO ORDERED THIS day of October, 2019.
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3	TEACHER STANDARDS AND PRACTICES COMMISSION
	Anthony J. Rosiles
4	Ву:
5	Dr. Anthony Rosilez, Executive Director
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11	NOTICE OF APPEAL OR RIGHTS
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13	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
14	OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
15	THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
16	THE OREGON COURT OF APPEALS.