1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON		
4 5 6 7 8	In the Matter of the Educator License of JOSE ALFREDO DE LOERA) DEFAULT ORDER OF SUSPENSION OF EDUCATOR LICENSE) AND PROBATION		
9	On December 31, 2019, the Teacher Standards and Practices Commission (Commission)		
10	issued a Notice of Opportunity for Hearing to Jose De Loera (De Loera) in which the Commission		
11	charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S.		
12	Certified Mail Receipt 7018 1830 0001 6178 7008 to the address on file with the Commission. The		
13	Notice designated the Commission file as the record for purposes of proving a prima facie case. The		
14	Certified Mail receipt was not returned to the Commission. The regular, first class mail was not		
15	returned to the Commission, and both are assumed to have been delivered. The Notice of		
16	Opportunity of Hearing, dated December 31, 2019, and signed by Anthony Rosilez, Executive		
17	Director, stated:		
18 19 20 21 22 23 24 25 26	"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, WITHDRAW YOUR REQUEST FOR HEARING, IF YOU FAIL TO APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."		
27	De Loera did not request a hearing. The Commission, therefore, finds De Loera to be in default and		
28	enters the following findings of fact, conclusions of law, and final order, based on the files and		
29	records of the Commission concerning this matter.		
30			
31	FINDINGS OF FACT		
32	1. Jose De Loera has been licensed by the Commission since August 16, 2013. De Loera holds a		
33	Preliminary Teaching License, with an endorsement in Elementary – Multiple Subjects (PK-		
34	12), valid from March 7, 2017, through July 6, 2020. During all relevant times, De Loera was		
35	employed by the Umatilla School District (USD).		
36	2. On February 1, 2019, the Commission received a report from the USD indicating De Loera		
37	may have committed an act of gross neglect of duty and/or gross unfitness. Specifically, De		
38	Loera engaged in unprofessional interactions with a coworker / USD employee in violation of		
39	local policies.		

1	3.	Investigation determined that during November / December 2018, De Loera engaged in a	
2		consensual, romantic relationship with IS, a subordinate employee. During this time, De	
3		Loera excessively utilized school resources, and employment time to engage in these	
4		activities. This included the use of the district's technology systems, email system, and	
5		Google chat program to communicate inappropriately with IS. These inappropriate	
6		communications included sexual innuendo and other non-work related communications.	
7		Video surveillance demonstrated that De Loera and IS inappropriately communicated,	
8		arranged and held personal, private meetings. Also, De Loera manipulated his duties in order	
9		to be alone with IS while on duty. USD determined De Loera's conduct violated local policies,	
10		and De Loera neglected his work duties and obligations to his students and classroom.	
11			
12		CONCLUSIONS OF LAW	
13		De Loera 's conduct described in sections two (2) and three (3) above constitutes gross	
14	neglec	of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR	
15	584-020-0010(5) (Use professional judgment), OAR 584-020-0025(2)(e) (Using district lawful		
16	and reasonable rules and regulations); OAR 584-020-0040(4)(b) (Substantial unauthorized use of		
17	employment time or school resources for private purposes); and OAR 584-020-0040(0) as it		
18	incorporates OAR 584-020-0035(2)(e) (Not use the district's or school's name, property, or		
19	resources for non-educational benefit or purposes without approval of the educator's supervisor of		
20	the appointing authority).		
21			
22		The Commission's authority to impose discipline in this matter is based upon ORS 342.175.	
23			
24		FINAL ORDER	
25			
26		The Commission hereby suspends Jose De Loera's Oregon licensure for a period of six (6)	
27	months, to begin upon the date this order is signed and in effect.		
28	In addition, the Commission places De Loera on probation for a period of two (2) years to		
29	commence upon De Loera's reinstatement from suspension. This probation period is subject to the		
30	following terms and conditions:		
31 32 33 34 35		1. De Loera shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.	

- Violation of any term or condition of probation shall constitute an independent basis for the
 Commission to revoke De Loera's educator license or otherwise impose discipline, after first
- Commission to revoke De Loera's educator license or otherwise impose di
 providing De Loera with notice and opportunity for hearing.
- 3 providing De Loera with notice and opportunity for hearing 4
- 5
 6 IT IS SO ORDERED THIS <u>31</u> day of January, 2020.
- 7

TEACHER STANDARDS AND PRACTICES COMMISSION

Stathory J. Rosiles

8 9 10

Dr. Anthony Rosilez, Executive Director

NOTICE OF APPEAL OR RIGHTS

1819 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE

20 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF

21 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO

22 THE OREGON COURT OF APPEALS.

By: