1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
4 5 6	In the Matter of the DEFAULT ORDER OF Educator License of REVOCATION AND REVOCATION OF RIGHT TO APPLY
7.	SHANE M. ROSS) FOR LICENSURE
8 9	
10	On December 12, 2018, the Teacher Standards and Practices Commission
11	(Commission) issued a Notice of Opportunity for Hearing to Shane Ross (Ross) in which
12	the Commission charged him with Gross Neglect of Duty and Gross Unfitness. The
13	Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7018 0680
14	0000 1028 3118 to the address on file with the Commission. The Notice designated the
15	Commission file as the record for purposes of proving a prima facie case. The Certified
16	Mail was not returned to the Commission. The regular first class mail was not returned
17	to the Commission, and assumed delivered. The Notice of Opportunity of Hearing,
18	dated December 12, 2018, and signed by Anthony Rosilez, Executive Director, stated:
19 20 21 22 23 24 25 26 27	"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 WILL REVOKE YOUR OREGON TEACHING LICENSE AND REVOKE YOUR RIGHT TO APPLY FOR A TEACHING LICENSE."
28	Ross did not request a hearing. The Commission, therefore, finds Ross to be in default
29	and enters the following findings of fact, conclusions of law, and final order, based on
30	the files and records of the Commission concerning this matter.
31	
32	FINDINGS OF FACT
33	1. Shane Ross has been licensed by the Commission since August 8, 2000. Ross' Initial
34	II Teaching License, with an endorsement in Physical Education (ML/HS, ECE/ELE
35	L), was valid from April 10, 2014, through May 28, 2017. During all relevant times,
36	Ross was employed by the Salem-Keizer School District (SKSD).
37	

2. On March 7, 2017, the Commission received a report from the Department of Human Services (DHS) containing information that while Ross was a teacher with the SKSD, Ross allegedly had inappropriately touched a minor student over a period of several years. Ross was placed on administrative leave by SKSD. On June 15, 2017, the commission received a report from SKSD advising that Ross had been arrested on charges of sexual abuse. Due to the law enforcement investigation process, the Commission proceeded with its investigation in April 2018. Investigation determined the following:

- a. Beginning in 2001, Ross engaged in sexual contact with minor aged student MP, on school property, which continued until approximately 2004.
- b. Beginning in 2009, Ross sexually touched student GM, and had GM touch him sexually, while on school property. This conduct occurred multiple times and included sexual penetration of GM with Ross' fingers. Ross' sexual conduct with GM continued until approximately 2015.

3. On February 26, 2018, by plea agreement, Ross was convicted of four counts of Sex Abuse in the First Degree ORS 163.427, four counts of Sex Abuse in the Second Degree, ORS 163.425, and one count of Unlawful Sexual Penetration in the Second Degree, ORS 163.408. Ross was sentenced to 45.5 years' incarceration, to be served concurrently, for a total of 20 years. Ross' sentencing included post-prison supervision and required Ross to register as a sex offender.

CONCLUSIONS OF LAW

Shane Ross' criminal convictions constitute 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); and OAR 584-020-0040(1) (The Commission will deny, revoke or deny the right to apply for a license or charter school registration to any applicant or educator who, has been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if convicted in another jurisdiction, or convicted of attempt to commit such crimes as defined in ORS 161.405

- 1), including ORS 163.427 Sex Abuse in the First Degree, ORS 163.425 Sex Abuse in
- 2 the Second Degree, and ORS 163.408 Unlawful Sexual Penetration in the Second
- 3 Degree. This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c);
- 4 OAR 584-020-0040(5)(c) (Conviction of violating any federal, state, or local law. A
- 5 conviction includes any final judgment of conviction by a court whether as the result of
- 6 quilty plea, no contest plea or any other means); OAR 584-020-0040(5)(d)
- 7 (Commission of an act listed in OAR 584-020-0040(1)); and OAR 584-020-0040(5)(e)
- 8 (Admission of or engaging in acts constituting criminal conduct, even in the absence of
- 9 a conviction).

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

Furthermore, the conduct underlying Ross' convictions 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 584-020-0040(4)(f) (Any sexual conduct with a student) as defined by OAR 584-020-0005(5); OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and conversations at all times); and OAR 584-020-0035(3)(a)(Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty). Additionally, your criminal convictions and conduct related to your convictions constitute "gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(c) and (d) as defined by OAR 584-020-0040 (5) (Gross unfitness is any conduct which renders an educator unqualified to perform his or her professional responsibilities).

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

1	FINAL ORDER
2	The Commission hereby revokes Shane Ross' Educator license and his right to
3	apply for licensure.
4	IT IS SO ORDERED THIS day of January, 2019.
5	TEACHER STANDARDS AND PRACTICES COMMISSION
6	By:J. Rosilez
7	Dr. Anthony Rosilez, Executive Director
9 10	NOTICE OF APPEAL OR RIGHTS
11 12 13	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.