

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON
3

4 In the Matter of the) DEFAULT ORDER OF
5 Educator License of) REVOCATION AND REVOCATION
6) OF RIGHT TO APPLY
7 BRYAN DANIEL BATES) FOR LICENSURE
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10 On July 24, 2019, the Teacher Standards and Practices Commission
11 (Commission) issued a Notice of Opportunity for Hearing to Bryan Bates (Bates) in
12 which the Commission charged him with Gross Neglect of Duty and Gross Unfitness.
13 The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7018 1830
14 0001 6178 6131 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 returned to the Commission signed, on August 12, 2019. The regular first class
17 mail was not returned to the Commission, and assumed delivered. The Notice of
18 Opportunity of Hearing, dated July 24, 2019, and signed by Anthony Rosilez, Executive
19 Director, stated:

20 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY
21 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
22 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
23 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING,
24 WITHDRAW YOUR REQUEST FOR HEARING, IF YOU FAIL TO APPEAR AT A
25 HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR
26 AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT
27 WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR
28 LICENSE OR OTHER DISCIPLINE."
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30 Bates did not request a hearing. The Commission, therefore, finds Bates to be in default
31 and enters the following findings of fact, conclusions of law, and final order, based on
32 the files and records of the Commission concerning this matter.
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34 **FINDINGS OF FACT**

- 35 1. Bryan Bates has been licensed by the Commission since December 18, 2016. Bates'
36 Preliminary Teaching License, with an endorsement in Music (PK-12), is valid from
37 December 1, 2017 through June 21, 2021. During all relevant times Bates was
38 employed by the Ione School District (ISD).

- 1 2. On January 29, 2018, the Commission received a report from the ISD advising that
2 Bates, a teacher employed with the ISD, were under criminal investigation for
3 possible sex abuse related to a student. Investigation determined that Bates had
4 subjected a minor aged female student to sexual contact by touching her breast and
5 having her touch Bates' crotch area on multiple occasions. Bates also communicated
6 inappropriately via text messages with the same student. Bates' misconduct took
7 place on school grounds. Bates was subsequently arrested and charged with Sex
8 Abuse III (2 counts), Official Misconduct 1, (1 count) and Harassment (two counts).
9
- 10 3. On September 27, 2018, Bates plead guilty to and was convicted of one count of ORS
11 163.415, Sexual Abuse in the Third Degree, a Class A misdemeanor. The remaining
12 criminal charges were dismissed by plea agreement. Bates was sentenced to 180 days
13 in jail, followed by two years' probation, including the requirement that Bates
14 register as a sex offender, fines and community service.

15 CONCLUSIONS OF LAW

16 Bryan Bates' criminal convictions as described in section three (3) above,
17 constitute gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
18 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); and
19 OAR 584-020-0040(1) (*The Commission will deny, revoke or deny the right to apply*
20 *for a license or charter school registration to any applicant or educator who, has been*
21 *convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of*
22 *any of those crimes if convicted in another jurisdiction, or convicted of attempt to*
23 *commit such crimes as defined in ORS 161.405*), including ORS 163.415 –*Sexual Abuse*
24 *in the Third Degree*. This conduct also constitutes gross unfitness in violation of ORS
25 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or*
26 *local law. A conviction includes any final judgment of conviction by a court whether as*
27 *the result of guilty plea, no contest plea or any other means*); OAR 584-020-
28 0040(5)(d) (*Commission of an act listed in OAR 584-020-0040(1)*); and OAR 584-020-
29 0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct, even in*
30 *the absence of a conviction*).

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1 Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards
2 and Practices Commission must revoke Bates' license and / or Bates' right to apply for a
3 license based on Bates' conviction of any of the crimes listed in ORS 342.143(3)(a), or
4 the substantial equivalent of any of those crimes, or convicted of attempt to commit
5 such crimes as defined in ORS 161.405.

6
7 Furthermore, the conduct underlying Bates' convictions as described in section
8 two (2) above, constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR
9 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional*
10 *judgment*); OAR 584-020-0040(4)(f) (*Any sexual conduct with a student*) as defined by
11 OAR 584-020-0005(5); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-
12 0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and*
13 *conversations at all times*); and OAR 584-020-0035(3)(a) (*Maintain the dignity of the*
14 *profession by respecting and obeying the law, exemplifying personal integrity and*
15 *honesty*). Additionally, Bates' criminal convictions and conduct related to his
16 convictions constitute "gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-
17 020-0040(3)(c) and (d) as defined by OAR 584-020-0040 (5) (*Gross unfitness is any*
18 *conduct which renders an educator unqualified to perform his or her professional*
19 *responsibilities*).


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

23 **FINAL ORDER**

24 The Commission hereby revokes Bryan D. Bates' Oregon educator license and his
25 right to apply for an Oregon educator license.

26 IT IS SO ORDERED THIS 20th day of September, 2019.

27 TEACHER STANDARDS AND PRACTICES COMMISSION

28 By: 
29 Dr. Anthony Rosilez, Executive Director

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NOTICE OF APPEAL OR RIGHTS

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.