

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

4 In the Matter of the Educator) DEFAULT ORDER OF
5 License of) PUBLIC REPRIMAND AND PROBATION
6 RACHEL A. GRAY)
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9 On October 27, 2023, the Teacher Standards and Practices Commission
10 (Commission) issued a Notice of Opportunity for Hearing to Rachel A Gray (Gray) in which
11 the Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First
12 Class Mail and U.S. Certified Mail Receipt 9589 0710 5270 0844 8663 19 to the address on
13 file with the Commission. The Notice designated the Commission file as the record for
14 purposes of proving a prima facie case. The Certified Mail receipt was signed as received and
15 returned to the Commission on/about November 13, 2023. The first-class mail was not
16 returned to the Commission and assumed delivered. The Notice of Opportunity of Hearing,
17 dated October 27, 2023, and signed by Anthony Rosilez, Executive Director, stated:

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

- 33 1. The Commission has licensed Gray since June 12, 1995. Gray holds a Preliminary
34 Teaching License, with endorsements in English Language Arts (PK-12) and
35 Social Studies (PK-12), valid from March 17, 2021, through March 16, 2024.
36 During all relevant times, Gray was employed by the Hermiston School District
37 (HSD).
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1 2. On July 26, 2022 TSPC received a School District Misconduct Report from HSD
2 Assistant Superintendent Jake Bacon, alleging misconduct against Gray, an
3 educator at Hermiston Middle School (HMS). The misconduct alleged in the
4 report states that on June 14, 2022 Gray completed five (5) student report cards
5 that contained “inappropriate personal” comments that were sent home to
6 students/parents at the end of the 2021-2022 school year.

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8 3. A review of HSD documentation revealed the following:

9
10 On June 14, 2022 Gray completed five (5) student report cards that contained
11 inappropriate comments that were personal and unprofessional in nature. The
12 reports cards sent to students are documented below:

- 13
14 • Comments written on EC’s Report Card: *“Stop procrastinating. Don’t
15 make excuses. Do the right thing for yourself.”*
- 16
17 • Comments written on CS’s Report Card: *“your continual tardiness and
18 missing class will not serve you well in the future. I hope you stop these
19 crappy habits. You are lucky I am fair.”*
- 20
21 • Comments written MK’s Report Card: *“Poor attendance is having a
22 negative impact on grade. Without this grading policy, you would not
23 have passed. Just be aware, they handed you something for nothing.”*
- 24
25 • Comments written DD’s Report Card: *“You transferred in, and I was
26 excited...that lasted very briefly. Your (sic)? tardiness and missing school
27 was a total downer. I hope you don’t keep these crappy habits up. My
28 perception of you changed for the negative. Too bad.”*
- 29
30 • Comments written on CB’s Report Card: *“Cesar, you don’t deserve this
31 grade.”*

1 4. On August 16, 2023, Gray interviewed with TSPC investigative staff regarding
2 this matter via telephone. Gray was not represented by an attorney at the time of
3 the interview. During the interview Gray confirmed that she had written the
4 comments on the five (5) students' report cards listed above. Gray reported that
5 the HSD had enacted new policies regarding student attendance for the 2020-
6 2021 school year. Gray reported that the new policies restricted teacher's ability
7 to mark down students for poor attendance. Gray stated that the new policy
8 essentially allowed a student to miss all but five minutes of a class, but still get
9 credit for attending the class. Gray stated that if a student never came to class
10 except for the last few minutes, teachers in the HSD were not allowed to mark the
11 student as "absent" but required that teachers mark the student as "tardy." Gray
12 reported that this new policy made it possible for students to still pass a class
13 without attending or participating in classroom learning. Gray reported that this
14 policy frustrated her and left her without any tools to hold students accountable.
15 Gray reported that the comments written on the report cards were all written to
16 students who struggled with "significant tardiness issues." Gray reported to TSPC
17 investigative staff that at the time she wrote the comments she was "frustrated."
18 TSPC staff asked Gray if she would change her approach to this matter in the
19 future and Gray stated that she would probably write "something similar" on the
20 report cards but would not be so direct. Gray reported that she wrote the
21 comments on the report card with no intention to "hurt kids" but instead to
22 motivate them and better prepare them for the future. Gray concluded her TSPC
23 interview by reporting that she resigned her position with the district at the end
24 of the school year for an unrelated business opportunity.
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26 **CONCLUSIONS OF LAW**

27 The conduct described above constitutes gross neglect of duty in violation of ORS
28 342.175(1)(b); OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-
29 0025(2)(e) (*Using district lawful and reasonable rules and regulations*) and OAR 584-
30 020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and*
31 *conversations at all times*).


1 The Commission's authority to impose discipline in this matter is based upon ORS
2 342.175.

3 **FINAL ORDER**

4 The Commission hereby issues a public reprimand and two (2) years probation upon
5 Rachel A. Gray's Educator licensure.

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8 IT IS SO ORDERED THIS 5 day of December, 2023.

9 TEACHER STANDARDS AND PRACTICES COMMISSION

10 By:  _____
11 Melissa Goff, 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.