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 DENIAL OF 5 License of APPLICATION AND REVOCATION OF ) RIGHT TO APPLY 6 7 JOHN ROBERT RHODE FOR LICENSURE 8 9 On March 27, 2017, the Teacher Standards and Practices Commission (Commission) 10 issued a Notice of Opportunity for Hearing to John Robert Rhode (Rhode) in which the 11 Commission charged him with Gross Neglect of Duty and Gross Unfitness. The Notice was 12 13 sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7016 0750 0000 2419 0921 to 14 the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified Mail receipt was returned 15 signed to the Commission on March 31, 2017. The first class mail was not returned to the 16 Commission. The Notice of Opportunity of Hearing, dated March 27, 2017, and signed by 17 18 Monica Beane, Executive Director, stated: 19 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 60-DAY 20 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR 21 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU 22 FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER 23 OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF 24 YOUR LICENSE OR OTHER DISCIPLINE." 25 26 Rhode did not request a hearing. The Commission, therefore, finds Rhode to be in 27 28 default and enters the following findings of fact, conclusions of law, and final order, based 29 on the files and records of the Commission concerning this matter. FINDINGS OF FACT 30 1. Rhode has never been licensed by the Commission. On November 23, 2015, Rhode 31 made application to the Commission for an Oregon Teaching License. 32 2. On Rhode's November 23, 2015, application for an Oregon Teaching License, Rhode 33 answered "Yes" to questions one and two in the Character Questions section. These 34 questions address leaving school-related employment while the subject of an 35 investigation and currently being the subject of an investigation for alleged violation 36 of professional standards or conduct. On December 7, 2015, Rhode provided an 37

- email to TSPC in which he explained his "yes" answers to the character questions.
- 2 Rhode explained that he was under investigation by the Idaho Department of
- 3 Education Professional Standards Committee (IDE PSC) for inappropriate
- 4 communications with a former student.
- 3. The Commission conducted an investigation to determine the scope, findings, and 5 6 final outcome of the IDE PSC investigation. On July 14, 2015, the West Ada School 7 District filed a report with the IDE PSC related to Rhode's conduct. On July 15, 2016, Rhode entered into a stipulated agreement with the IDE PSC settling his case which 8 resulted in the revocation of Rhode's Idaho Teaching License. On September 23, 9 2016, the agreement was made final by Consent Order. Rhode's conduct that lead to 10 the revocation of his Idaho Teaching License as detailed in the stipulated facts 11 12 section of the Idaho Order include:
  - a) During the relevant time period of the 2013-2014 school year, Rhode was employed by the West Ada School District (Idaho) as a high school teacher, and student TR was either 17 or 18 years of age.
  - b) During the 2013-2014 school year, Rhode and student TR would have discussions in a room (known as the "Paper Closet") with the door closed and a cover over the window, where on at least one occasion, student TR discussed with Rhode details of her life, including her sex life.
  - c) During one discussion in the Paper Closet between Rhode and student TR, Rhode commented that if student TR was willing to sleep with someone who was nice to her, she should have sex with Rhode (or with her boyfriend or with everyone).
  - d) During at least one discussion in the Paper Closet, Rhode shared details of his personal life with student TR, including information about Rhode's marriage.
  - e) At one time during the semester, student TR and Rhode communicated via paper-writing back and forth to one another-which included the subject of sex.
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| 1                    | CONCLUSIONS OF LAW  |
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| 2                    | John Robert Rhode engaged in unprofessional conduct as described in sections two (2)  |
| 3                    | and three (3) above. Rhode's conduct is grounds for denial of his application under ORS   |
| 4                    | 342.143(2). The above conduct also constitutes gross neglect of duty in violation of ORS  |
| 5                    | 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use   |
| 6                    | professional judgment); OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-  |
| 7                    | 0035(1)(c)(A) (Not demonstrating or expressing professionally inappropriate interest in a   |
| 8                    | student's personal life), OAR 584-020-0035(1)(c)(B) (Not accepting or giving or   |
| 9                    | exchanging romantic or overly personal gifts or notes with a student); and OAR 584-020-   |
| 0                    | 0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and   |
| 1                    | conversations at all times). The above conduct also constitutes gross unfitness in violation                                      |
| 2                    | of ORS 342-175(1)(c); OAR 584-020-0040(5)(a) (Revocation, suspension or denial of a   |
| 13                   | license by another state for reasons and through procedures that are the same as, or  |
| 4                    | substantially equivalent to, those permitting similar action in Oregon).  |
| 5                    |   |
| 16                   | The Commission's authority to impose discipline in this matter is based upon ORS  |
| 17                   | 342.175.  |
| 18                   | FINAL ORDER   |
| 9                    | The Commission hereby denies John Robert Rhode's application for licensure in   |
| 20                   | Oregon and revokes John Robert Rhode's Right to Apply for an Oregon Educator License.   |
| 21                   | IT IS SO ORDERED THISday of June, 2017.   |
| 22                   | TEACHER STANDARDS AND PRACTICES COMMISSION  |
| 23                   |   |
| 24                   | By: Monica Gene  Dr. Monica Beane, Executive Director   |
| 25                   | Dr. Monica Beane, Executive Director  |
| 25<br>26<br>27<br>28 | NOTICE OF APPEAL OR RIGHTS  |
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| 29                   | YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW  |
| 30<br>31             | MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE |
| 32                   | PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.   |