| 1<br>2<br>3                                  | BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION<br>OF THE STATE OF OREGON  |  |  |  |
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| 4<br>5<br>6<br>7                             | In the Matter of the DEFAULT ORDER OF Educator License of REVOCATION AND REVOCATION OF RIGHT TO APPLY VAN GRANGER FOR LICENSURE  |  |  |  |
| 8<br>9                                       |  |  |  |  |
| 10   | On September 28, 2018, the Teacher Standards and Practices Commission  |  |  |  |
| 11   | (Commission) issued a Notice of Opportunity for Hearing to Van Granger (Granger) 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 0680  |  |  |  |
| 14   | $0000\ 1028\ 2814$ 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 receipt was returned to the Commission signed, on October 1, 2018. The regular  |  |  |  |
| 17   | first class mail was not returned to the Commission, and assumed delivered. On October   |  |  |  |
| 18   | 8, 2018, the Commission received notice from Attorney Noah Barish advising that  |  |  |  |
| 19   | Granger had received the notice, did not want a hearing, and requested a default order   |  |  |  |
| 20   | be issued. The Notice of Opportunity of Hearing, dated September 28, 2018, and signed  |  |  |  |
| 21   | by Anthony Rosilez, Executive Director, stated:  |  |  |  |
| 22<br>23<br>24<br>25<br>26<br>27<br>28<br>29 | "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 MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE." |  |  |  |
| 30   | Granger did not request a hearing. The Commission, therefore, finds Granger to be in   |  |  |  |
| 31   | default and enters the following findings of fact, conclusions of law, and final order,  |  |  |  |
| 32   | based on the files and records of the Commission concerning this matter.   |  |  |  |
| 33   |  |  |  |  |
| 34   | FINDINGS OF FACT   |  |  |  |
| 35   | 1. Van Granger has been licensed by the Commission since June 12, 1995. Granger's  |  |  |  |
| 36   | Standard Teaching License, with an endorsement in Standard Elementary (016), is  |  |  |  |

| 1        |    | valid from December 23, 2013, through December 22, 2018. During all relevant           |
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| 2        |    | times, Granger was employed by the Three Rivers School District (TRSD).                |
| 3        |    |  |
| 4        | 2. | On December 15, 2015, the Commission received a report from the Department of          |
| 5        |    | Human Services (DHS) containing information that Granger, while a teacher at           |
| 6        |    | Manzanita Elementary School in the Three Rivers School District (TRSD), was            |
| 7        |    | alleged to have sexually abused a minor student Granger was mentoring in the           |
| 8        |    | Lincoln County School District. On December 16, 2015, the Commission advised           |
| 9        |    | TRSD of the investigation. Due to law enforcement's investigation process, the         |
| 10       |    | Commission was unable to proceed with its investigation until May of 2016.             |
| 11       |    | Investigation determined the following:  |
| 12<br>13 |    | a. Between July 31, 2015 and December 5, 2015, Granger engaged in deviate              |
| 14       |    | sexual intercourse with TH, a male student under the age of 14 on multiple             |
| 15       |    | occasions. This included engaging in sexual conduct with MH at a summer                |
| 16       |    | camp, at a Medford movie theater, and in a parked vehicle.                             |
| 17       |    |  |
| 18       | 3. | On April 18, 2018, by plea bargain, Granger was convicted of two counts of Attempt     |
| 19       |    | to Commit a Class B Felony ORS 161.405(2)(c) – Sodomy in the Second Degree, ORS        |
| 20       |    | 163.395. Granger was sentenced to five years' probation, required to register as a sex |
| 21       |    | offender, and required to surrender his teaching license.                              |
| 22       |    |  |
| 23       |    | CONCLUSIONS OF LAW   |
| 24       |    | Van Granger's criminal convictions constitute gross neglect of duty in violation of    |
| 25       | OI | RS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5)        |
| 26       | (U | (se professional judgment); and OAR 584-020-0040(1) (The Commission will deny,         |
| 27       | re | voke or deny the right to apply for a license or charter school registration to any    |
| 28       | ap | plicant or educator who, has been convicted of any of the crimes listed in ORS         |
| 29       | 34 | 2.143, 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

), including ORS 163.395 – Sodomy in the Second Degree. This conduct also constitutes

gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (Conviction

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     of violating any federal, state, or local law. A conviction includes any final judgment of
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     conviction by a court whether as the result of guilty plea, no contest plea or any other
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     means); OAR 584-020-0040(5)(d) (Commission of an act listed in OAR 584-020-
 4
     0040(1)); and OAR 584-020-0040(5)(e) (Admission of or engaging in acts constituting
 5
     criminal conduct, even in the absence of a conviction).
 6
 7
            Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards
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     and Practices Commission must revoke your license and / or your right to apply for a
     license based on your conviction of any of the crimes listed in ORS 342.143(3)(a), or the
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10
     substantial equivalent of any of those crimes, or convicted of attempt to commit such
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     crimes as defined in ORS 161.405.
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13
            Furthermore, the conduct underlying Granger's convictions constitutes gross
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     neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it
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     incorporates OAR 584-020-0010(5) (Use professional judgment); OAR 584-020-
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     0040(4)(f) (Any sexual conduct with a student) as defined by OAR 584-020-0005(5);
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     OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(1)(c)(D) (Honoring
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     appropriate adult boundaries with students in conduct and conversations at all times);
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     and OAR 584-020-0035(3)(a)(Maintain the dignity of the profession by respecting and
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     obeying the law, exemplifying personal integrity and honesty). Additionally, your
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     criminal convictions and conduct related to your convictions constitute "gross unfitness"
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     in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(c) and (d) as defined by OAR
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     584-020-0040 (5) (Gross unfitness is any conduct which renders an educator
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     unqualified to perform his or her professional responsibilities).
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26
            The Commission's authority to impose discipline in this matter is based upon
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     ORS 342.175.
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| 1  | FINAL ORDER   |
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| 2  | The Commission hereby revokes Van Granger's Oregon educator license and his |
| 3  | right to apply for an Oregon educator license.                              |
| 4  | IT IS SO ORDERED THIS 26 day of October, 2018.                              |
| 5  | TEACHER STANDARDS AND PRACTICES COMMISSION                                  |
| 6  | By: Anthony J. Rosiles  |
| 7  | Dr. Anthony Rosilez, Executive Director                                     |
| 8  | ·   |
| 9  | NOTICE OF APPEAL OR RIGHTS  |
| 0  |   |
| 11 | YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY      |
| 12 | BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE         |
| 13 | SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF     |
| 14 | ORS 183.482 TO THE OREGON COURT OF APPEALS.                                 |