1 2				AND PRACTICES COMMISSION F OREGON
3 4 5 6 7	Ed	the Matter of the lucator License of ICHAEL RAY OSBORNE))	DEFAULT ORDER OF REVOCATION AND REVOCATION OF RIGHT TO APPLY
8		On October 31, 2014, the Teacher	Standa	ards and Practices Commission
9	(C	commission) issued a Notice of Opportu	unity f	or Hearing to Michael Ray Osborne
10	(O	Sborne) in which the Commission char	rged hi	m with Gross Neglect of Duty and Gross
11	Ur	nfitness. The Notice was sent via U.S. F	irst Cl	ass Mail and U.S. Certified Mail Receipt
12	70	014 0150 0000 1046 5048 to the addres	ss on fi	lle with the Commission. The Notice
13	de	signated the Commission file as the re	cord fo	or purposes of proving a prima facie case.
14	Th	ne Certified Mail receipt was returned s	igned	to the Commission on November 6, 2014
15	Th	ne First Class mail was not returned to	the Co	mmission. The Notice of Opportunity of
16	Н	earing, dated October 31, 2014, and sig	ned by	Victoria Chamberlain, Executive
17	Di	rector, stated:		
18 19 20 21 22 23 24 25		PERIOD, YOUR RIGHT TO A HE UNLESS YOUR FAILURE TO RECREASONABLE CONTROL. IF YOU	ARING QUES' OU DO ARING AY IN	
26	Os	sborne did not request a hearing. The C	Commi	ssion, therefore, finds Osborne to be in
27	de	fault and enters the following findings	of fact	, conclusions of law, and final order,
28	ba	sed on the files and records of the Com	missio	on concerning this matter.
29				
30		FINDI	NGS C	OF FACT
31 、	1.	Michael Ray Osborne has been licens	ed by t	he Commission since July 12, 1991.
32		Osborne's Standard Teaching License	, with	an endorsement in Standard Physical
33		Education (018), is valid from March	17, 20	13, through March 16, 2018. During all
34		relevant times, Osborne was employe	d as a	teacher at Madras High School in the
35		Jefferson County School District.		
36	2.	On December 12, 2013, Osborne was	indicte	ed on 14 counts of Sexual Abuse in the
37		Second Degree. On September 5, 201	4, Osb	orne plead guilty to and was

1		subsequently convicted in the Washington County Circuit Court of one count of Sex
2		Abuse in the Second Degree, ORS 163.425(1)(a), a class C felony, and one count of
3		Sexual Abuse in the Second Degree by a coach, ORS 163.425(1)(b)(C), a class C
4		felony. Osborne was sentenced to 72 months of incarceration in State Prison,
5		undergo sex offender evaluation and treatment, and register as a sex offender. Both
6		of these crimes are listed in ORS 342.143 and OAR 584-020-0040(1) for mandatory
7		revocation of licensure or right to apply for licensure.
8	3.	Osborne's convictions arose from allegations that included: Osborne engaged in
9		sexual relations with a female student that he coached; gave the student money;
10		communicated inappropriately with the student via text messages and voice mail;
11		transported the student in his personal vehicle; cohabitated with the student in a

CONCLUSIONS OF LAW

hotel room: and attended a coaching clinic with the student.

Osborne's 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(1)(n) (*ORS 163.425 – Sex Abuse 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 of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means), OAR 584-020-0040(5)(d) (<i>Commission of an act listed in OAR 584-020-0040*(1); and OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction*). Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards and Practices Commission must revoke Osborne's license and Osborne's right to apply for a license based on his 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 Osborne's indictments and conviction 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)(k)(*Violation of any rule or order of the Commission*); OAR 584-

1	020-0040(4)(f) (Any sexual conduct with a student) as defined by OAR 584-020-
2	0005(5); and OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-
3	0035(3)(a)(Maintain the dignity of the profession by respecting and obeying the law,
4	exemplifying personal integrity and honesty). Additionally, Osborne's convictions and
5	conduct related to his convictions constitute "gross unfitness" in violation of ORS
6	342.175(1)(c); OAR 584-020-0040(3)(a) and (d) as defined by OAR 584-020-0040 (5)
7	("Gross unfitness is any conduct which renders an educator unqualified to perform his
8	or her professional responsibilities").
9	or the Progression respectively.
10	The Commission's authority to impose discipline in this matter is based upon ORS
11	342.175.
12	FINAL ORDER
13	The Commission hereby revokes Michael Ray Osborne's educator license and
14	revokes his right to apply for an educator license.
15	IT IS SO ORDERED THIS 26 th day of January, 2015.
16	TEACHER STANDARDS AND PRACTICES COMMISSION
17	
18	By:
19	By:
20	Victoria Chamberlain, Executive Director
21 22	
23	
24	NOTICE OF APPEAL OR RIGHTS
25	
26	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
27	BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
28	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
29	ORS 183.482 TO THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Michael Ray Osborne #20410008 c/o Eastern Oregon Correctional Institution 2500 Westgate Pendleton, OR 97801-9699

Patty (Liddell

Investigative Assistant