

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

In the Matter of the
Educator License of
DAVID A. RUBIO

) DEFAULT ORDER TO
) DENY APPLICATION AND
) REVOKE RIGHT TO APPLY

On September 8, 2026, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for David A. Rubio (Rubio) in which the Commission charged him with Gross Neglect of Duty and Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 9589 0710 5270 3980 5878 27 to 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 return receipt for the Notice sent Certified Mail was returned to the Commission signed on September 16, 2026. The regular First-Class mail was not returned to the Commission and assumed delivered. The Notice of Opportunity of Hearing, dated September 8, 2026, and signed by Rachel Alpert, Executive Director, stated:

“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, WITHDRAW YOUR REQUEST FOR HEARING, IF YOU FAIL TO APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE.”

Rubio did not request a hearing. The Commission, therefore, finds Rubio to be in default and enters the following findings of fact, conclusions of law, and final order, based on the files and records of the Commission concerning this matter.

FINDINGS OF FACT

1. On October 18, 2022, Rubio electronically submitted his application for the Clinical Practices (Student Teaching) through Corban University. Rubio was with the Salem-Keizer School District at McKay High School as either a student teacher or in a non-teaching position from January 10, 2022, through April 29, 2022; August 28, 2023, through December 15, 2023; and from January 2, 2024, through May 1, 2024.

2. In September 22, 2025, the Commission received a School District Misconduct Report from the Salem-Keizer School District reporting that on September 16, 2025, Rubio was accused of and arrested on multiple crimes involving minors.
3. Investigation found that in 2025, during a wrestling clinic offered during the summer break at Ranier Junior/Senior High School, Rubio developed a relationship with a sixteen (16) year-old female. In June 2025, Rubio and the sixteen-year-old female began messaging on social media. Rubio sent messages to the sixteen-year-old commenting that she was attractive, had large breasts, and that Rubio wanted her to send him pictures of her breasts.
4. On August 28, 2025, Rubio was indicted by the Columbia County Circuit Court on one (1) felony count of Attempted Using Child in a Display of Sexually Explicit Conduct, one felony count of Luring a Minor, and one (1) misdemeanor count of Attempted Encouraging Child Abuse in the Second Degree. On September 16, 2025, Rubio was arrested by law enforcement.
5. On June 1, 2026, Rubio entered into a plea agreement and pled guilty to one (1) felony count of Luring a Minor (ORS 163.057). On June 1, 2026, Rubio was convicted of one (1) felony count of Luring a Minor and sentenced to five (5) years of supervised probation, required to register as a sex offender, and given a compensatory fine of \$5000.

CONCLUSIONS OF LAW

David A. Rubio's conduct as described above is substantially related to his fitness and ability to hold a TSPC license under ORS 670.280(3).

Rubio's conduct as described in section three (3) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(f) (*Any sexual conduct with a student*) as defined by OAR 584-020-0005(8) and ORS 339.370(12)(a); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1) (*Recognize the worth and dignity of all persons and respect for each individual*), OAR 584-020-0010(5) (*Use professional judgment*).

Rubio's criminal conviction as described in section five (5) constitutes gross neglect of duty in violation of ORS 670.280(2), ORS 342.175(1)(b), and OAR 584-020-0040(1) (*The Commission will deny, revoke or deny the right to apply for a license or charter school registration to any applicant or educator who, has been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if convicted in another jurisdiction*), including ORS 163.057 Luring a

Minor.

Rubio's criminal conviction as described in section five (5) above 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) (*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 Rubio's license and/or his 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, or convicted of attempt to commit such crimes as defined in ORS 161.405.

Additionally, Rubio's criminal conviction and conduct related to his conviction constitute "gross unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(c) and (d) as defined by OAR 584-020-0040 (5) (*Gross unfitness is any conduct which renders an educator unqualified to perform his or her professional responsibilities*).

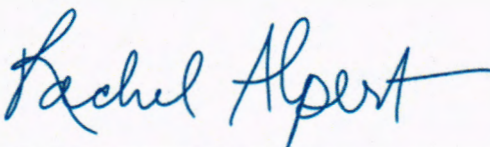
The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

FINAL ORDER

The Commission hereby denies David A. Rubio's application and revokes Rubio's right to apply for an Oregon educator license.

IT IS SO ORDERED THIS 5 day of October, 2026.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: 

Rachel Alpert, Executive Director

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.