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In the Matter of the)
Educator License of)
MICHAEL RAY OSBORNE)

On October 31, 2014, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Michael Ray Osborne (Osborne) 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 7014 0150 0000 1046 5048 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 Certified Mail receipt was returned signed to the Commission on November 6, 2014. The First Class mail was not returned to the Commission. The Notice of Opportunity of Hearing, dated October 31, 2014, and signed by Victoria Chamberlain, 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 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.”

Osborne did not request a hearing. The Commission, therefore, finds Osborne 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. Michael Ray Osborne has been licensed by the Commission since July 12, 1991. Osborne's Standard Teaching License, with an endorsement in Standard Physical Education (018), is valid from March 17, 2013, through March 16, 2018. During all relevant times, Osborne was employed as a teacher at Madras High School in the Jefferson County School District.
2. On December 12, 2013, Osborne was indicted on 14 counts of Sexual Abuse in the Second Degree. On September 5, 2014, Osborne 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
12 hotel room; and attended a coaching clinic with the student.

13 CONCLUSIONS OF LAW

14 Osborne's convictions constitutes gross neglect of duty in violation of ORS
15 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
16 *professional judgment*); OAR 584-020-0040(1)(n) (*ORS 163.425 – Sex Abuse in the*
17 *Second Degree*). This conduct also constitutes gross unfitness in violation of ORS
18 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or*
19 *local law. A conviction includes any final judgment of conviction by a court whether as*
20 *the result of guilty plea, no contest plea or any other means*), OAR 584-020-
21 0040(5)(d) (*Commission of an act listed in OAR 584-020-0040(1)*); and OAR 584-020-
22 0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct, even in*
23 *the absence of a conviction*). Pursuant to ORS 342.175(3) and OAR 584-020-0040(1)
24 the Teacher Standards and Practices Commission must revoke Osborne's license and
25 Osborne's right to apply for a license based on his conviction of any of the crimes listed
26 in ORS 342.143(3)(a), or the substantial equivalent of any of those crimes.

27
28 Furthermore, the conduct underlying Osborne's indictments and conviction
29 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
30 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR
31 584-020-0040(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)(o) 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
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 26th day of January, 2015.

16 TEACHER STANDARDS AND PRACTICES COMMISSION

17
18


19 By: _____
20 Victoria Chamberlain, Executive Director

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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.