

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

3 ) STIPULATION OF FACTS AND  
4 In the Matter of the ) FINAL ORDER TO DENY  
5 Educator License of ) APPLICATION, SUSPENSION  
6 JESSE W. NAILL ) OF RIGHT TO APPLY FOR  
7 ) LICENSURE AND PROBATION  
8

9 On June 5, 2019, the Teacher Standards and Practices Commission  
10 (Commission) received a report from the North Wasco County School District (District)  
11 indicating Jesse W. Naill (Naill) may have committed acts of gross neglect of duty and/or  
12 gross unfitness. Specifically, the District reported Nail may have engaged inappropriate  
13 teacher/student boundaries with a student.

14 After review of the matters alleged, Naill and the Commission agree that their  
15 respective interests, together with the public interest, are best served by a stipulation to  
16 certain facts, to deny application, the imposition of a suspension of Naill’s right to apply  
17 for an Oregon educator licensure for a period of six (6) months, and a four (4) year  
18 period of probation.

19 This Order sets forth the facts upon which the parties have agreed and the  
20 sanction to be imposed. Naill stipulates that there are sufficient facts contained in the  
21 Commission’s files and records to support the findings of fact and conclusions of law set  
22 forth below. In entering into this stipulation, Naill waives the right to a hearing to  
23 contest the findings of fact, conclusions of law and order set forth below.

24 By signing below, Naill acknowledges, understands, stipulates, and agrees to the  
25 following: (i) he has been fully advised of his rights to notice and a hearing to contest the  
26 findings of fact, conclusions of law, and order set forth below, and fully and finally  
27 waives all such rights and any rights to appeal or otherwise challenge this Stipulation of  
28 Facts and Final Order to Deny Application, Suspension of Right to Apply for Licensure,  
29 and Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a  
30 public document and disclosed to the public upon request by the Commission; (iii) this  
31 Stipulation and Final Order is contingent upon and subject to approval and adoption by  
32 the Commission. If the Commission does not approve and adopt this Stipulation and  
33 Final Order, then neither Naill nor the Commission are bound by the terms herein; (iv)  
34 he has fully read this Stipulation and Final Order, and understands it completely; (v) he  
35 voluntarily, without any force or duress, enters into this Stipulation and Final Order and  
36 consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no

1 promise or representation has been made to induce him to sign this Stipulation and  
2 Final Order; and (vii) he has consulted with an attorney regarding this Stipulation and  
3 Final Order and has been fully advised with regard to his rights thereto, or waives any  
4 and all rights to consult with an attorney prior to entering into this Stipulation and Final  
5 Order and issuance and entry of the Stipulated Final Order below.

6  
7 **STIPULATION OF FACTS**

- 8 1. The Commission has licensed Naill since November 7, 2018. Naill holds a  
9 Restricted Teaching License, with an endorsement in Music (PK-12), valid from  
10 November 7, 2018, through June 30, 2019. On August 14, 2019, Naill made  
11 application for the renewal of his license. Naill's renewal was pended until the  
12 investigation process was completed. During all relevant times, Naill was  
13 employed by the North Wasco County School District (NWCSO).  
14
- 15 2. On June 5, 2019, the Commission received a report from the NWCSO indicating  
16 Naill may have committed acts which constitute gross neglect of duty and/or  
17 gross unfitness. Specifically, the report alleged Naill engaged in inappropriate  
18 teacher/student boundaries with a student at The Dalles High School.  
19
- 20 3. Investigation determined that Naill's first year as an educator was as a band teacher  
21 at The Dalles High School for the 2018-2019 school year. Between late 2018 and May  
22 2019, Naill engaged in discussions and communications of a personal nature with a  
23 student. The discussions included Naill's sharing of his personal experiences in high  
24 school and college regarding his sexual orientation, Naill's concerns with colleagues  
25 and staff at the school, and the lack of progress of specific students in Naill's band  
26 class. Most of these discussions occurred when Naill and the student were alone in  
27 the band room at school.
- 28  
29 In March 2019, Naill discussed with the student questions the student had regarding  
30 sexual orientation. From this discussion until mid-May 2019, Naill and the student  
31 discussed this and other personal topics on the phone, through text exchanges and in  
32 person.
- 33  
34 4. On May 14, 2019, the school received an anonymous complaint concerning Naill's  
35 interactions with the student. On May 14, 2019, the NWCSO placed Naill on

1 administrative leave. On May 17, 2019, Naill resigned from the NWCS D effective that  
2 day.

3  
4 IT IS SO STIPULATED:

5  
6  
7 Jesse W. Naill

02/19/2022  
Date

8  
9  
10 Trent Danowski, Deputy Director  
11 Teacher Standards and Practices Commission

03/02/2022  
Date

12  
13 **CONCLUSION OF LAW**

14 The conduct described above 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(4)(o) as it incorporates OAR 584-020-  
17 0035(1)(b) (*Refrain from exploiting professional relationships with any student for*  
18 *personal gain, or in support of persons or issues*), OAR 584-020-0035(1)(c)(A) (*Not*  
19 *demonstrating or expressing professionally inappropriate interest in a student's*  
20 *personal life*), and OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult*  
21 *boundaries with students in conduct and conversations at all times*).

22 The Commission's authority to impose discipline in this matter is based upon ORS  
23 342.175.

24  
25 **ORDER**

26 The Commission adopts and incorporates herein the above findings of fact and  
27 conclusions of law, and based thereon, denies Jesse W. Naill's application for an Oregon  
28 educator license, and imposes a six (6) month suspension upon his right to apply for an  
29 Oregon educator license.

30 Prior to reinstatement, Naill shall successfully complete a Commission approved  
31 training course on professional boundaries and provide evidence to the Commission of  
32 such training. Naill has already completed this requirement through the National  
33 Association of State Directors of Teacher Education and Certification "Prevention and  
34 Correction" course. Additionally, Naill shall complete five (5) sessions of individual  
35 counseling/therapy related to professional boundaries and provide evidence of such  
36 counseling/therapy.

1           Furthermore, the Commission imposes a period of four (4) years of probation  
2 upon Naill's licensure to commence upon successful reinstatement of Naill's Oregon  
3 educator license and subject to the following condition:

- 4           1. Naill shall comply with the Standards for Competent and Ethical Performance of  
5 Oregon Educators under Oregon Administrative Rules Chapter 584, Division  
6 020.

7  
8 Issued and dated this   1   day of April, 2022.

9           **TEACHER STANDARDS AND PRACTICES COMMISSION**  
10           **STATE OF OREGON**

11  
12 By  \_\_\_\_\_

13           Dr. Anthony Rosilez, Executive Director