

1 advised with regard to his rights thereto, or waives any and all rights to consult with an
2 attorney prior to entering into this Stipulation and Final Order and issuance and entry of
3 the Stipulated Final Order below.

4 **STIPULATION OF FACTS**

- 5 1. The Commission has licensed James since September 3, 2009. James holds a
6 Professional Teaching License, with endorsements in Special Education:
7 Generalist (PreK-12) and Business: Generalist, valid from March 20, 2018,
8 through March 19, 2023. During all relevant times, James was employed by the
9 Salem-Keizer School District (SKSD) and the Medford School District (MSD).
10
- 11 2. On June 6, 2019, the Commission received a misconduct report from the MSD
12 indicating James may have committed acts which constitute gross neglect of duty
13 and / or gross unfitness. MSD reported that on April 11, 2019, James
14 misrepresented his background when he applied for MSD teaching positions.

15
16 An investigation by TSPC resulted in the following chronology of events:
17

- 18 • On December 3, 2012, the SKSD gave James a letter of directive
19 regarding SPED meeting protocols.
- 20 • On January 3, 2017, the SKSD gave James a letter of reprimand for
21 failing to perform some SPED duties.
- 22 • On January 9, 2017, the SKSD reported James to TSPC.
- 23 • On February 21, 2017, the SKSD gave James a letter of reprimand and
24 a one-day suspension for failing to perform some SPED duties.
- 25 • On April 28, 2017, the SKSD gave James a letter of reprimand for
26 failing to perform some SPED duties.
- 27 • On May 22, 2017, the SKSD gave James a letter of reprimand and a
28 one-day suspension for failing to perform some SPED duties.
- 29 • In late spring 2017, the SKSD placed James on a plan of assistance for
30 the next school year.
- 31 • On June 24, 2017, the SKSD reported James to TSPC a second time.
- 32 • In December 2017, James submitted his resignation effective at the end
33 of the school year. He submitted his resignation because he was caring
34 for a seriously ill family member and felt unable to meet the
35 requirements of the plan of assistance.
- 36 • In April and May 2018, James completed two online applications for
37 two teaching positions with the MSD. One position was a teacher on
38 special assignment, for which James was not selected, and the other
39 position was a SPED teaching assignment at South Medford High
40 School (SMHS). Applicants for teaching positions were required to
41 complete disclosure questions as part of the online application process.

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- On May 30, 2018, TSPC sent a request for an interview to James regarding the reports made by the SKSD.
 - On June 8, 2018, the MSD hired James for a SPED teaching position.
 - On July 6, 2018, TSPC interviewed James.
 - On January 16, 2019, after the Commission decided to seek discipline against James' license, TSPC sent James a Notice of Opportunity for Hearing by First Class and Certified USPS mail.
 - On April 4, 2019, after receiving no response from James regarding a hearing, TSPC completed a default order for a 60-day suspension of James' license.
 - Several days later, when he received the default order, James showed it to his supervisor at SMHS. James was placed on administrative leave while the district investigated the matter.
 - The district reviewed James' applications for employment and concluded he failed to disclose his issues with the SKSD and the subsequent investigation by TSPC. The disclosure questions to which James answered "NO" and the district felt were not answered truthfully were:

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20 (a) Have you ever been placed on a plan of improvement or

21 formally disciplined for work performance?

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23 (b) Have you ever resigned upon threat of discharge from an

24 educational position or school related employment because of

25 unsatisfactory work performance?

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27 (c) Have you ever resigned upon threat of discharge from an

28 educational position or school related employment because of

29 misconduct?

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31 (d) Have you ever resigned from an educational position while

32 under investigation for misconduct?

33

34 The MSD determined that based on the TSPC's default order, James had

35 been placed on a plan of assistance from the SKSD and therefore felt he

36 was untruthful when answering question "a)" above. The MSD

37 determined that based on TSPC's default order, James' resignation was a

38 result of his belief that he would not accomplish the goals set by the

39 district and would be terminated. As a result the MSD therefore

40 determined James was untruthful when answering questions "b)" and "c)"

41 above. The MSD acknowledged that TSPC informed the district that

42 James had not been notified by TSPC that he was under investigation until

43 several weeks after the applications were completed, and your answers

44 regarding the TSPC investigation were truthful.

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- On April 17, 2019, MSD HR staff interviewed James. James stated that

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he misunderstood the first of these disclosure question and felt that he answered the questions truthfully. He also stated that he did not believe himself to have been under "threat of discharge" and that he was not under investigation when he resigned from SKSD. The MSD stated that James is not eligible for rehire at the school district.

- On June 6, 2019, the MSD reported James to TSPC for misrepresentation on his applications.

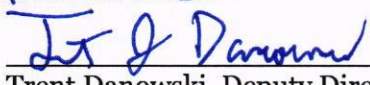
IT IS SO STIPULATED:



Robert A. James

11-4-20

Date



Trent Danowski, Deputy Director
Teacher Standards and Practices Commission

12/15/2020

Date


CONCLUSION OF LAW

The above conduct described in section two (2) above, 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)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty*); and OAR 584-020-0040(4)(c) (*Falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties*).

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

ORDER

The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a public reprimand on Robert James' Oregon educator license. Additionally, the Commission imposes a two (2) year period of probation on Robert James' Oregon educator license.

Issued and dated this 5 day of February 2021 
~~November 2020.~~

TEACHER STANDARDS AND PRACTICES COMMISSION

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STATE OF OREGON

By  _____

Dr. Anthony Rosilez, Executive Director