1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 In the Matter of the STIPULATION OF FACTS AND 4 **Educator License of**) FINAL ORDER OF 5 6 7 8 ROBERT A. JAMES) PUBLIC REPRIMAND) AND PROBATION 9 On June 6, 2019, the Teacher Standards and Practices Commission 10 (Commission) received a misconduct report from the Medford School District (MSD), 11 indicating possible professional misconduct on the part of licensed educator, Robert. A. 12 James, (James.) 13 After review of the matters alleged, James and the Commission agree that their 14 respective interests, together with the public interest, are best served by a stipulation to 15 certain facts, the revocation of James's Oregon educator license and a two (2) year 16 period of probation. 17 This Order sets forth the facts upon which the parties have agreed and the 18 sanction to be imposed. James stipulates that there are sufficient facts contained in the 19 Commission's files and records to support the findings of fact and conclusions of law set 20 forth below. In entering into this stipulation, James waives the right to a hearing to 21 contest the findings of fact, conclusions of law and order set forth below. 22 By signing below, James acknowledges, understands, stipulates, and agrees to the 23 following: (i) he has been fully advised of his rights to notice and a hearing to contest the 24 findings of fact, conclusions of law, and order set forth below, and fully and finally 25 waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Public Reprimand and Probation (Stipulation and Final Order); 26 27 (ii) this Stipulation and Final Order is a public document and disclosed to the public 28 upon request by the Commission; (iii) this Stipulation and Final Order is contingent 29 upon and subject to approval and adoption by the Commission. If the Commission does 30 not approve and adopt this Stipulation and Final Order, then neither James nor the 31 Commission are bound by the terms herein; (iv) he has fully read this Stipulation and 32 Final Order, and understands it completely; (v) he voluntarily, without any force or 33 duress, enters into this Stipulation and Final Order and consents to issuance and entry of 34 the Stipulated Final Order below; (vi) he states that no promise or representation has 35 been made to induce him to sign this Stipulation and Final Order; and (vii) he has

consulted with an attorney regarding this Stipulation and Final Order and has been fully

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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		ulated Final Order below.
4	the supe	STIPULATION OF FACTS
5	1. T	
6		The Commission has licensed James since September 3, 2009. James holds a Professional Teaching License, with endorsements in Special Education:
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7		Generalist (PreK-12) and Business: Generalist, valid from March 20, 2018,
8	t	hrough March 19, 2023. During all relevant times, James was employed by the
9	S	alem-Keizer School District (SKSD) and the Medford School District (MSD).
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11	2. (On June 6, 2019, the Commission received a misconduct report from the MSD
12	iı	ndicating James may have committed acts which constitute gross neglect of duty
13		nd / or gross unfitness. MSD reported that on April 11, 2019, James
14		•
	11	nisrepresented his background when he applied for MSD teaching positions.
15 16	An i	nvestigation by TSPC resulted in the following chronology of events:
17	All I	investigation by 131 C resulted in the following chronology of events:
18	•	On December 3, 2012, the SKSD gave James a letter of directive
19		regarding SPED meeting protocols.
20	•	O I
21		failing to perform some SPED duties.
22	•	
23	•	on restainty =1, =01/, the state gave sumes a letter of reprimaria and
24 25		a one-day suspension for failing to perform some SPED duties. 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	•	
32	•	in 2 compet 2017, cames submitted me resignation effective at the one
33		of the school year. He submitted his resignation because he was caring
34 35		for a seriously ill family member and felt unable to meet the requirements of the plan of assistance.
36	•	
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.

- 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:
 - (a) Have you ever been placed on a plan of improvement or formally disciplined for work performance?
 - (b) Have you ever resigned upon threat of discharge from an educational position or school related employment because of unsatisfactory work performance?
 - (c) Have you ever resigned upon threat of discharge from an educational position or school related employment because of misconduct?
 - (d) Have you ever resigned from an educational position while under investigation for misconduct?

The MSD determined that based on the TSPC's default order, James had been placed on a plan of assistance from the SKSD and therefore felt he was untruthful when answering question "a)" above. The MSD determined that based on TSPCs' default order, James' resignation was a result of his belief that he would not accomplish the goals set by the district and would be terminated. As a result the MSD therefore determined James was untruthful when answering questions "b)" and "c)" above. The MSD acknowledged that TSPC informed the district that James had not been notified by TSPC that he was under investigation until several weeks after the applications were completed, and your answers regarding the TSPC investigation were truthful.

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

1 2 3 4 5	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.					
7 8 9	 On June 6, 2019, the MSD reported James to TSPC for misrepresentation on his applications. 					
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11	IT IS SO STIPULATED:					
12 13 14 15 16 17	Robert A. James Trent Danowski, Deputy Director Teacher Standards and Practices Commission To Date 12/15/2020 Date					
1 /	reacher Standards and Fractices Commission					
18						
19	CONCLUSION OF LAW					
20	The above conduct described in section two (2) above, constitutes gross neglect of					
21	duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR					
22	584-020-0010(5) (Use professional judgment);OAR 584-020-0040(4)(0) as it					
23	incorporates OAR 584-020-0035(3)(a) (Maintain the dignity of the profession by					
24	respecting and obeying the law, exemplifying personal integrity and honesty); and OAR					
25	584-020-0040(4)(c) (Falsification of any document or knowing misrepresentation					
26	directly related to licensure, employment, or professional duties).					
27						
28	The Commission's authority to impose discipline in this matter is based upon					
29	ORS 342.175.					
30	ORDER					
31	The Commission adopts and incorporates herein the above findings of fact and					
32	conclusions of law, and based thereon, imposes a public reprimand on Robert James'					
33	Oregon educator license. Additionally, the Commission imposes a two (2) year period of					
34	probation on Robert James' Oregon educator license.					
35	Fabruary 2002 18					
36	Issued and dated this day of November 2020.					
27	TEACHED STANDADDS AND DDACTICES COMMISSION					

1	STATE OF OREGON	
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3	Ву	
4	Dr. Anthony Rosilez, Executive Director	