

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

6
7 **STIPULATION OF FACTS**

- 8 1. The Commission has licensed Smith since July 18, 2007. Smith holds a
9 Professional Teaching License, with an endorsement in Special Education:
10 Generalist (PK-12), valid from January 5, 2017, through January 25, 2022.
11 During all relevant times, Smith was employed by the Clackamas Education
12 Service District (CESD).
- 13 2. On November 15, 2019, the Commission received information from the Oregon
14 Department of Human Services (DHS) alleging Smith was forming an
15 inappropriate relationship with a 6-year-old student. On December 2, 2019, the
16 Commission received a report from CESD indicating Smith may have committed
17 acts which constitute gross neglect of duty and/or gross unfitness. Specifically,
18 the CESD reported that during the 2018-2019 and 2019-2020 school years,
19 Smith had behaved inappropriately by failing to maintain physical boundaries
20 with students in general and failed to maintain teacher/student boundaries with
21 a first-grade student.
- 22 3. Investigation determined that towards the beginning of the 2018-19 school year,
23 Smith was contacted by the parent of EV, a kindergarten student, who was
24 enrolled in Smith's Happy Valley Elementary School (HVES) Life Enrichment
25 Education Program (LEEP) classroom. The parent told Smith that at EV's
26 previous school, EV would come home upset and the parent expressed concern
27 this would continue at EV's new school. Smith told the parent he would attempt
28 to make EV's classroom environment a fun place to learn and the experience
29 happy. Smith discussed with the parent EV's likes and dislikes, and ways to
30 implement more opportunities for the things EV liked. The parent shared that EV
31 enjoyed watching episodes of a child-oriented video series. Smith said he often
32 would watch the beginning of one of these videos with EV at the start of the day
33 because it improved EV's demeanor throughout the day and was also effective at
34 deescalating EV when she was upset.

- 1 4. In late fall and early winter of the 2018-2019 school year, the District received
2 multiple complaints from staff at HVES regarding Smith's behavior with
3 students. In November 2018, a staff member reported physical boundary
4 concerns between Smith and students in the LEEP that school year. Smith was
5 observed picking up students, rubbing students' backs and ticking students.
6 Students were observed attempting to sit on Smith's lap, and leaning and pushing
7 against him. In December 2018, Smith told a CESD representative looking into
8 the concerns that he did interact physically with the students to make the
9 classroom a fun environment. Smith told the representative that he did not feel
10 bad about holding the hand of EV because it made her feel more secure at school.
11 The representative provided Smith suggestions for appropriate techniques for
12 physical contact with students.
- 13 5. On March 11, 2019, a different staff member complained to the CESD about
14 Smith's continuing relationship with EV. Smith was observed spending
15 significant class time working one-on-one with EV while non-licensed staff were
16 unsupervised and expected to instruct other students without assistance. Smith
17 was observed referring to EV with nicknames such as "princess" and "princess of
18 the classroom". During an IEP meeting later in the school year, EV's mother
19 noted how happy EV was at school and how EV's parents encouraged EV to think
20 of Smith as a family member. No attendees of the meeting, including Smith's
21 supervisor, made any mention of this being inappropriate.
- 22 6. In Smith's District interview, Smith explained EV's mother hosted a party at
23 school to celebrate EV's birthday. The party included a cake, party decorations,
24 and a princess party hat for EV. Smith reported that after that party, he and staff
25 sometimes referred to EV as "Princess". Smith was often observed holding EV's
26 hand at recess and escorting EV alone on walks. Smith explained the student
27 needed support on the stairs and on the uneven surface of the playground. Smith
28 said he later delegated other staff to supervise the student during these times. In
29 May 2019, another staff member reported that Smith's behavior with students
30 and EV had not changed.
- 31 7. On September 24, 2019, a staff member complained to the CESD about Smith's
32 behavior with EV. Smith was observed on the playground with EV, who was no
33 longer in Smith's class, where EV was pulling on Smith's shirt and holding his
34 hand. Smith did not attempt to discourage or separate himself from EV. Further

1 CESD investigation found EV had developed an emotional attachment to Smith
2 which caused staff to be concerned
3 8. Smith reported EV's parent shared with him that EV was happy at school, but
4 there was some tension between the EV and the EA. Smith unsuccessfully
5 attempted to communicate the issue with the EA. This caused difficulties in the
6 relationship between Smith and the EA. Smith then referred the matter to his
7 supervisor. Smith said his supervisor never responded back on the matter.
8 9. On November 14, 2019, information of Smith's alleged interactions with students
9 was reported to DHS, and on November 15, 2019, the CESD placed Smith on
10 administrative leave. On January 10, 2020, a CESD investigation found Smith
11 violated district policy regarding student boundaries and issued him a
12 Reprimand and accompanied with directives for appropriate teacher/student
13 boundaries. Smith was also given written expectations regarding student
14 interactions. On January 16, 2020, Smith was reassigned to Rock Creek Middle
15 School (RCMS).
16 10. During Smith's first week at RCMS in January 2020, the CESD received multiple
17 complaints from staff regarding their concerns of boundary issues between Smith
18 and students. Smith was observed allowing students to grab his arms and hands
19 without redirecting them, and on one occasion, an aide had to redirect a student
20 who was attempting to sit on his lap. Smith was observed to be "overly
21 affectionate" with students and used "baby talk" when interacting with some of
22 the students. Smith was observed engaging in a face-to-face hug with a student in
23 which the student wrapped one of their legs around his leg and an aide had to
24 intervene. Smith's supervisor reminded Smith of appropriate behavior and that
25 his students were in middle school and not elementary school. The CESD
26 investigated these concerns and on January 30, 2020, issued Smith a Reprimand
27 and a two-day suspension without pay.

28

29 IT IS SO STIPULATED:

30
31
32
33
34
35
36

Paul W. Smith
Paul W. Smith
Trent J. Danowski
Trent Danowski, Deputy Director
Teacher Standards and Practices Commission

06-08-22
Date
06/08/2022
Date

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

CONCLUSION OF LAW

The conduct described 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(1) (*Recognize the worth and dignity of all persons and respect for each individual*), OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(A) (*Not demonstrating or expressing professionally inappropriate interest in a student's personal life*), and OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and conversations at all times*).

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

ORDER

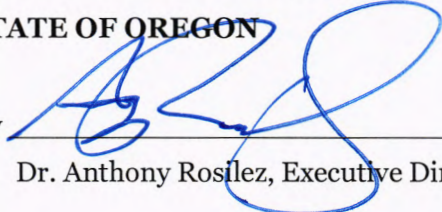
The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a thirty (30) day suspension upon Paul W. Smith’s Oregon educator license.

Furthermore, the Commission imposes a period of two (2) years of probation upon Smith’s licensure to commence upon reinstatement of Smith’s Oregon educator license and subject to the following condition:

Smith shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

Issued and dated this 22 day of June, 2022.

TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON

By  _____
Dr. Anthony Rosilez, Executive Director