

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON
3

4 In the Matter of the) DEFAULT ORDER OF
5 Educator License of) SUSPENSION OF LICENSURE
6 ROBERT A. JAMES) AND PROBATION
7

8 On September 24, 2021, the Teacher Standards and Practices Commission
9 (Commission) issued a Notice of Opportunity for Hearing to Robert A. James (James) in
10 which the Commission charged him with Gross Neglect of Duty and/or Gross Unfitness.
11 The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7021 0350
12 0000 8183 7810 to the address on file with the Commission. The Notice designated the
13 Commission file as the record for purposes of proving a prima facie case. The Certified
14 Mail was returned to the Commission signed on September 29, 2021. The regular first
15 class mail was not returned to the Commission, and assumed delivered. The Notice of
16 Opportunity of Hearing, dated September 24, 2012, and signed by Anthony Rosilez,
17 Executive Director, stated:

18 “IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY
19 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
20 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
21 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING,
22 WITHDRAW YOUR REQUEST FOR HEARING, OR IF YOU FAIL TO APPEAR
23 AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT
24 APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF
25 DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF
26 YOUR LICENSE OR OTHER DISCIPLINE.”

27 James did not request a hearing. The Commission, therefore, finds James to be
28 in default and enters the following findings of fact, conclusions of law, and final order,
29 based on the files and records of the Commission concerning this matter.
30

31 **FINDINGS OF FACT**

- 32 1. The Commission has licensed James since September 3, 2009. James holds a
33 Professional Teaching License, with endorsements in Special Education:
34 Generalist (PK-12) and Business: Generalist (PK-12), valid from March 20, 2018,
35 through March 19, 2023. During all relevant times, James was employed by the
36 Salem-Keizer School District (SKSD), the Medford School District (MSD), and
37 the Coos Bay School District (CBSD).

- 1 2. On January 25, 2021, the Commission received a report from the CBSD advising
2 that James had been investigated for conduct that may be considered gross
3 neglect of duty and/or gross unfitness. The report alleged James failed to
4 maintain individualized education program (IEP) for students, failed to schedule
5 and communicate with parents for IEP meetings, failed to respond to directives
6 to meet IEP timelines, and failed to meet timelines for the Oregon Department of
7 Education's Special Education Child Count data collection.
- 8 3. Investigation found that on April 4, 2019, the Commission imposed upon James'
9 Oregon educator license a suspension for a period of sixty (60) days and
10 probation for a period of two (2) years which commenced upon reinstatement of
11 his license. The suspension and probation were issued for James allowing
12 instructional assistants assigned to him to teach James' classes and complete
13 student IEPs, for James' failure to create and maintain lesson plans, for James'
14 failure to write and adhere to IEPs, and for James' changing IEPs without
15 authorization while he was employed with the SKSD.
- 16 4. Investigation found that on February 5, 2021, the Commission imposed a public
17 reprimand on James' license and a period of probation for three (3) years for
18 James' misrepresenting and being untruthful about his past discipline with the
19 SKSD and the Commission on his applications for teaching positions with the
20 MSD.
- 21 5. Investigation found that On November 13, 2020, the CBSD issued James a letter
22 of deficiency for violations of district policy and federal regulations governing
23 IEPs. The deficiencies were related to James' responsibilities for scheduling IEPs,
24 completion of tasks related to IEPs, meeting deadlines, and IEP compliance
25 requirements.

26
27 On January 15, 2021, the CBSD's Special Programs Director and the Human
28 Resources Director initiated an investigation and audit of IEP files for students
29 assigned to James' caseload and for James' email communications. On January
30 15, 2021, James was placed on administrative leave pending the outcome of the
31 investigation. The District found multiple instances of James' failure to write and
32 maintain IEPs, failure to schedule required IEP meetings, failure to respond to

1 administrator and supervisor directives for IEP timelines, and failure to
2 communicate with parents regarding IEP meetings. James' failure to coordinate
3 meetings and complete IEPs necessary for the District requirement to meet the
4 December 1, 2020, Oregon Department of Education's Special Education Child
5 Count, resulted in reduced funding for the CBSD. On January 21, 2021, the CBSD
6 provided James the findings of the investigation and a letter from the
7 superintendent of the CBSD informing James that the superintendent was
8 recommending the board not renew James' contract.

9 6. Investigation found that April 15, 2020, James affirmed by initials and date on an
10 electronic application for a special education teaching position with the CBSD,
11 that the information James provided was true and complete and that he
12 understood that any misrepresentation, falsification, or omission could result in
13 consequences. The application contained several background questions related to
14 misconduct and discipline and required an explanation if answered affirmatively.
15 James answered "Yes" to the following questions:

- 16 • *Have you ever left any educational or school-related employment,*
17 *voluntarily or involuntarily, while the subject of an inquiry, review or*
18 *investigation of alleged misconduct? Have you ever left educational or*
19 *school-related employment when you had reason to believe an*
20 *investigation for misconduct was underway or imminent?*
- 21 • *Have you ever been placed on leave by your employer for any alleged*
22 *misconduct?*
- 23 • *Have you ever had an adverse action taken on a professional*
24 *certificate, license or charter school registration? Have you ever been*
25 *placed on probationary status for alleged misconduct while holding a*
26 *professional license?*
- 27 • *Have you ever been disciplined by any public agency responsible for*
28 *licensure of any kind, including but not limited to educational*
29 *licensure?*

30 James' explanation to the first question was, "*My wife had a stroke and I took*
31 *time off to care for her. I did not perform at the level I should have when I came*

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

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

7
8 IT IS SO ORDERED THIS 12th day of November, 2021.

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

12 By: 
13 Dr. Anthony Rosilez, Executive Director
14
15

16 **NOTICE OF APPEAL OR RIGHTS**
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18 **YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY**
19 **BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE**
20 **SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF**
21 **ORS 183.482 TO THE OREGON COURT OF APPEALS.**