

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

RECEIVED

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3 In the Matter of the ) STIPULATION OF FACTS AND  
4 Educator License of: ) FINAL ORDER OF  
5 TURNER B SMITH ) REVOCATION OF RIGHT TO APPLY

Teacher Standards &  
Practices Commission

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7  
8 On or about May 10, 2016, the Teacher Standards and Practices Commission

9 (Commission) received a report from the Department of Human Services (DHS) alleging Turner  
10 B. Smith (Smith) had violated professional standards that may be considered gross neglect of  
11 duty or gross unfitness.

12 After review of the matters alleged, Smith and the Commission agree that their  
13 respective interests, together with the public interest, are best served by a stipulation to certain  
14 facts, and the revocation of Smith's right to apply for an Oregon educator license.

15 This document sets forth the facts upon which the parties have agreed and the stipulated  
16 sanction to be imposed. Smith stipulates that there is sufficient evidence in the Commission's  
17 files and records to support the findings of fact, conclusions of law, and order set forth below.

18 By signing below, Smith acknowledges, understands, stipulates, and agrees to the  
19 following: (i) he has been fully advised of his rights to notice and a hearing to contest the  
20 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all  
21 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final  
22 Order of Revocation of Right to Apply (Stipulation and Final Order); (ii) this Stipulation and  
23 Final Order is a public document and disclosed to the public upon request by the Commission;  
24 (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by  
25 the Commission. If the Commission does not approve and adopt this Stipulation and Final  
26 Order, then neither Smith nor the Commission are bound by the terms herein; (iv) he has fully  
27 read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without  
28 any force or duress, enters into this Stipulation and Final Order and consents to issuance and

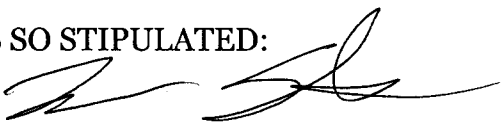
1 entry of the Stipulated Final Order below; (vi) he states that no promises or representation has  
2 been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted  
3 with an attorney regarding this Stipulation and Final Order and has been fully advised with  
4 regard to his rights thereto, or waives any and all rights to consult with an attorney prior to  
5 entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final  
6 Order below. This Order sets forth the facts upon which the parties have agreed and the  
7 sanction to be imposed. In entering into this stipulation, Smith waives the right to a hearing to  
8 contest the findings of fact, conclusions of law and order set forth below.

### 9 **STIPULATION OF FACTS**

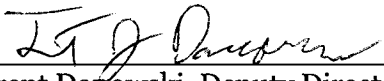
- 10 1) Smith has been licensed by the Commission since November 2, 2015. Smith previously held  
11 a Restricted Substitute Teaching License, with an endorsement in Substitute Any Specialty  
12 (PP -12), valid from November 2, 2015, through June 30, 2016. During all relevant times,  
13 Smith was employed by the Forest Grove School District (FGSD).  
14
- 15 2) On May 10, 2016, the Commission received a report from the Department of Human  
16 Services (DHS) advising that Smith participated in conduct that may be considered gross  
17 neglect of duty or gross unfitness. The report alleges Smith engaged in conduct that violated  
18 teacher / student boundaries in violation of local policy. Investigation determined the  
19 following:
- 20 a) On or about April 18, 2016, while providing substitute services at the Neil Armstrong  
21 Middle School, Smith took photographs with female students on his cell phone. This  
22 conduct included Smith taking a selfie photo with two female students, adding a floral  
23 crown filter to the picture over his head, and then sharing it on the social media  
24 application "Snapchat". When Smith sent the snapchat to several friends and peers, he  
25 included the caption "Pretty Bitches" (in reference to a Musical artist "Lil' B"). Other  
26 students in the classroom observed Smith's conduct and reported it to school  
27 administrators.  
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- 29 b) Smith's conduct was reported to the local police department and DHS. It was determined  
30 that no criminal conduct had occurred. The district removed Smith from their substitute  
31 teacher list for violations of school district policy related to social media.

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IT IS SO STIPULATED:

  
\_\_\_\_\_  
Turner B Smith

10/31/18  
Date

  
\_\_\_\_\_  
Trent Danowski, Deputy Director  
Teacher Standards and Practices Commission

11/5/2018  
Date

**CONCLUSION OF LAW**

Turner B Smith's conduct as described in section two 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 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*), and OAR 584-020-0040(4)(o) as it incorporates, 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 the above Stipulation of Facts, and revokes Turner B Smith's right to apply for an educator license.

IT IS SO ORDERED this 8 day of ~~November, 2018~~ <sup>February 2019</sup>.

TEACHER STANDARDS AND PRACTICES COMMISSION

By:   
\_\_\_\_\_  
Dr. Anthony J. Rosilez, Executive Director