

1 teacher plans; and allowing Instructional Assistants (IAs) to draft IEPs and teach classes.
2 District reports indicate James's conduct continued despite corrective actions and a plan of
3 assistance.

- 4 3. Investigation determined that in October and part of November 2016, James took leave to
5 attend to an ailing family member. During James's absence, school officials discovered that
6 during the 2016-17 school year, James had engaged in conduct that violated district policies.
7 James's alleged misconduct included: James failing to properly write, follow and maintain
8 IEPs; failure to create and maintain proper lesson plans; failure to draft adequate substitute
9 teacher plans; and allowing Instructional Assistants (IAs) to draft IEPs and teach classes for
10 James. SKSD conducted related investigations that resulted in the following:

- 11 a) On January 3, 2017, SKSD issued James a Letter of Reprimand for failure to perform
12 his duties. This "failure to perform your duties" included James allowing IAs to write
13 IEPs, allowing IAs to teach classes and enter grades, and failure to create proper
14 lesson plans. The letter specifically directed James to create lesson plans, cease
15 allowing IAs to teach or grade, and not allow unauthorized individuals to complete
16 IEPs.
- 17 b) On February 21, 2017, SKSD issued James a second Reprimand Letter and suspended
18 him for one day without pay. This letter was a result of an audit of James's IEP
19 process and paperwork. SKSD found many of James's IEPs to be out of date, to be
20 copied from prior years, and did not include required information. SKSD further
21 determined James was not conducting and / or documenting IEP meetings properly.
22 Additionally, the investigation determined James's lack of proper IEP development
23 resulted in continued poor lesson planning and inferior classroom instruction. The
24 reprimand included directives to improve James's performance in developing and
25 administrating proper IEPs, lesson plans and classroom instruction.
- 26 c) On April 28, 2017, SKSD issued James a Letter of Reprimand for failing to follow a
27 student's IEP; communicate and follow up with the student's parents as requested;
28 conduct IEP related meetings as required; and for failing to ensure proper substitute
29 teacher plans. In addition, SKSD directed James to follow all previously issued
30 directives from recent disciplinary actions.
- 31 d) On May 22, 2017, SKSD issued James another Reprimand with a day suspension
32 citing continued failure to perform James's duties. The investigation determined that
33 James had failed to demonstrate improvement as previously directed. The
34 investigation also found that James continued to fail to ensure that that his IA staff

1 were not instructing classes; that his student's IEP's were being met; and that James
2 was properly holding IEP meetings. James also failed to produce proper lesson plans
3 and failed to follow directives provided in past disciplinary actions. For James's
4 conduct, SKSD placed him on a plan of assistance and suspended James for one day
5 without pay.

- 6 e) In December 2017, James resigned his employment effective at the end of the 2016-17
7 school year because James believed he would be unable to accomplish his plan of
8 assistance.

9
10 **CONCLUSIONS OF LAW**

11 James's conduct described above, constitutes gross neglect of duty in violation of ORS
12 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional
13 judgment), OAR 584-020-0015(2)(a)(Use of state and district adopted curriculum and goals), OAR
14 584-020-0015(2)(b)(Skill in setting instructional goals and objectives expressed as learning
15 outcomes), OAR 584-020-0015(2)(e)(Skill in the selection and use of teaching techniques conducive
16 to student learning), OAR 584-020-0020(2)(c)(Procedures for evaluating curriculum and
17 instructional goals and practices), OAR 548-020-0025(2)(c) (Using and maintaining student
18 records as required by federal and state law and district policies and procedures), OAR 548-020-
19 0025(2)(e) (Using district lawful and reasonable rules and regulations); and OAR 584-020-
20 0040(4)(o) as it incorporates OAR 584-020-0035(2)(c) (Strive for continued improvement and
21 professional growth).

22
23 The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

24
25 **FINAL ORDER**

26
27 The Commission hereby suspends Robert Alan James' licensure for a period of sixty (60)
28 days, to begin upon the date this order is signed and in effect.


29
30 In addition, the Commission places James on probation for a period of two years to
31 commence upon James's reinstatement from suspension. This probation period is subject to the
32 following terms and conditions:

- 1 1. James shall comply with the Standards for Competent and Ethical Performance of
2 Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.
3 2. James shall successfully complete a Commission approved training or course work
4 related to SPED case management and / or legal responsibilities, within the first year
5 of his probation.
6

7 Violation of any term or condition of probation shall constitute an independent basis for the
8 Commission to revoke James' teaching license or otherwise impose discipline, after first providing
9 James with notice and opportunity for hearing.
10

11
12 IT IS SO ORDERED THIS 4th day of April, 2019.

13 TEACHER STANDARDS AND PRACTICES COMMISSION

14 By: 
15 Dr. Anthony Rosilez, Executive Director
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21 NOTICE OF APPEAL OR RIGHTS

22
23 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
24 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
25 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
26 THE OREGON COURT OF APPEALS.