

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

In the Matter of the)	DEFAULT ORDER OF
Educator License of)	REVOCATION AND REVOKE
SMITH, JAMES F.)	RIGHT TO APPLY

On February 26, 2026, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to James F. Smith (Smith) in which the Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 9589 0710 5270 2978 6281 53 to Smith’s last known address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Notice was returned as confirmed “delivered” on March 5, 2026, when Smith began communicating with the Commission via email. The Notice of Opportunity of Hearing, dated February 26, 2026, and signed by Rachel Alpert, Executive Director, stated:

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

On March 12, 2026, the Commission was notified by Smith that he would be allowing the case to default. The Commission, therefore, finds Smith to be in default and enters the following findings of fact, conclusions of law, and final order, based on the files and records of the Commission concerning this matter.

FINDING OF FACT

1. The Commission has licensed Smith since August 17, 1988. Smith most recently held a Professional Administrator License with an endorsement for Administrator (PK-12). The license was issued on April 25, 2024, and expires on February 10, 2030. During all relevant times, Smith was employed by the Fossil School District (FSD).

2. On July 11, 2025, the Commission received an Oregon Department of Human Services (DHS) referral. The referral alleged that Smith, a licensed educator and employee of the FSD, engaged in professional misconduct. The reports alleged that Smith engaged in inappropriate conversations with Student A and Student B. Additionally it was alleged that Smith made inappropriate physical contact with Student B. Both Student A and Student B were minor aged females and students of the FSD when the conduct was alleged to have occurred.

3. Investigation into this matter determined the following:
 - While Smith served as a Principal with the FSD, he lived in close proximity to Student A and her family.
 - During the timeframe in question, Student A and Student B were in the 5th and 6th grades. (Circa 2020-2021)
 - Smith would frequently visit Student A's home and was friends with Student A's mother.
 - While at Student A's home, Smith had frequent contact with Student A and Student B.
 - When Smith visited Student A's home, he was frequently intoxicated. (Alcohol and/or marijuana.)
 - During Smith's visits to Student A's home, Smith would engage Student A and Student B in conversations that were sexual nature.
 - Smith spoke to Student A and Student B about masturbation and sex.
 - Smith instructed Student A and Student B on how to masturbate and told them graphic, detailed stories about his personal sex life.
 - Smith described the shape and size of his penis to Student A, and told her about rubbing massage oils on her mother.
 - Smith would comment about Student A's body and how it was developing.
 - These conversations made Student A and Student B uncomfortable and they repeatedly asked Smith to stop.
 - During the visits, Smith would frequently hug both Student A and Student B.

- Smith would also touch Student A on her leg or thigh and make a sexual “groaning” sound.
 - When Smith touched Student A, he would describe having an erection and would place his hand down his pants.
 - Smith reportedly had erections frequently in the company of Student A and Student B, including when Smith would take both girls out for ice cream.
 - Smith exposed his buttocks to Student A and Student B on at least one occasion.
 - Smith repeatedly “spanked” Student A and Student B on their buttocks despite their objections.
 - Smith repeatedly offered and provided Student A and Student B with both alcohol and marijuana.
4. TSPC investigative staff attempted to contact Smith by telephone multiple times at two phone numbers TSPC had on file for him. Telephonic contact was attempted on November 3, 2025, and November 19, 2025. Additionally, TSPC investigative staff sent Request to Interview letters to Smith’s last known address in Oregon by both regular and certified mail on November 3, 2025. The letters were returned to TSPC on November 19, 2025, as “unclaimed.” TSPC did not hear from Smith before the investigation was finalized.
5. TSPC was able to make contact with Smith on March 5, 2026 via telephone. During the call Smith indicated that he was permanently retired from teaching and was now living on the east coast. Smith reported that he did not have the time or finances to dispute this matter and that traveling back to Oregon for legal proceedings would be impossible. Smith indicated that he wanted to voluntarily surrender his license and indicates that he never intends on teaching in any capacity ever again. Smith adamantly denies all of the allegations listed in this document but expressed that he wished to resolve this matter by allowing the case to default without formally contesting the charges or the sanction.

CONCLUSIONS OF LAW

The conduct described above in section three (3) constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(f) (Any sexual conduct with a

student) as defined by OAR 584-020-0005(8) and ORS 339.370(12)(a); 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)(b) (Refrain from exploiting professional relationships with any student for personal gain, or in support of persons or issues), 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).

Additionally, the conduct described in section four (4) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as incorporates OAR 584-020-0010(5) (Use professional judgment), and OAR 584-020-0040(4)(p) (Subject to the exercise of any legal right or privilege, failure or refusal by an educator under investigation to respond to request for information, to furnish or to participate in interviews with a Commission representative relating to a Commission investigation).

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

FINAL ORDER

The Commission hereby revokes Smith's Oregon teaching license and revokes his right to apply for a license.

IT IS SO ORDERED THIS 20 day of March, 2026.

TEACHER STANDARDS AND PRACTICES COMMISSION

By:  _____
Rachel Alpert, Executive Director

NOTICE OF APPEAL OR RIGHTS

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