

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

In the Matter of the Educator)
License of)
ERICA LE SCHMIDT)

On March 18, 2015, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Erica Le Schmidt (Schmidt) in which the Commission charged her with Gross Neglect of Duty and Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7014 0150 0000 1046 5680 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified Mail receipt was returned to the Commission “signed” on March 20, 2015. The first class mail was not returned to the Commission and assumed delivered. The Notice of Opportunity for Hearing, dated March 18, 2015, and signed by Victoria Chamberlain, 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 OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE.”

Schmidt did not requested a hearing. The Commission, therefore, finds Schmidt 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.

FINDINGS OF FACT

1. Schmidt has been licensed by the Commission since July 17, 2009. Schmidt holds an Initial I Teaching License, with an endorsement in Multiple Subjects Self-Contained (ECE, ELE), valid from September 12, 2012, through September 11, 2015. During all relevant times, Schmidt was employed by the Pendleton School District.
2. On February 3, 2014, the Commission received a report from the Pendleton School District alleging Schmidt had violated professional standards. The allegations arose from a patron

complaint to the school district that alleged Schmidt had entered another teacher's residence and stole prescription medications.

3. Investigation determined that on or about October 14, 2013, Schmidt entered the home of another teacher without permission. While in the home, Schmidt searched the medicine cabinet and stole prescription narcotic medication for Schmidt's personal use. Investigators learned that Schmidt had developed an addiction to prescription pain killers, and Schmidt had stolen these medications because of her dependence on the drugs. Police reports and Schmidt's own admissions indicate Schmidt questioned the teacher/ homeowner, and the teacher/homeowner's children (students), who resided in the victim's residence, about who would be home and at what times in an attempt to plan a return to the home. Schmidt told investigators that she returned to the home on October 17, 2013, in an attempt to return some of the pills that were previously stolen. On February 14, 2014, Schmidt was charged with the crimes of Criminal Trespass I, a class A misdemeanor, Theft 3, a class C misdemeanor, and Attempted Possession of a Controlled Substance (Hydrocodone) a class A misdemeanor. On May 29, 2014, Schmidt pled guilty and was convicted of ORS 164.255, Criminal Trespass and ORS 164.043, Theft 3; the Attempted Possession of a Controlled Substance charge was dismissed as part of a plea agreement. Schmidt was sentenced to 180 days in jail (suspended), fines and three years of probation. On or about January 31, 2014, Schmidt entered treatment for her addiction. Schmidt successfully completed her treatment programs and related follow up programs.

CONCLUSIONS OF LAW

Erica Le Schmidt engaged in unprofessional conduct as described above. This conduct constitutes Gross Neglect of Duty in violation of OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); and 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*), and OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty*). This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c)

1 (Conviction of violating any federal, state, or local law. A conviction includes any final
2 judgment of conviction by a court whether as the result of guilty plea, no contest plea or
3 any other means), and OAR 584-020-0040(5)(e) (Admission of or engaging in acts
4 constituting criminal conduct, even in the absence of a conviction).

5
6 The Commission's authority to impose discipline in this matter is based upon ORS
7 342.175.

8 FINAL ORDER

9 The Commission hereby issues a Public Reprimand upon Erica Le Schmidt's Oregon
10 educator license, and places Schmidt on probation for a period of four (4) years from the
11 date of this order. This probation period is subject to the following terms and conditions:

- 12 1. Schmidt shall comply with the Standards for Competent and Ethical Performance
13 of Oregon Educators under Oregon Administrative Rules Chapter 584, Division
14 020.
- 15 2. Schmidt shall continue to participate in substance abuse treatment support
16 and/or programs recommended by treatment providers.

17 Violation of any term or condition of probation shall constitute an independent basis
18 for the Commission to revoke Schmidt's teaching license or otherwise impose discipline,
19 after first providing Schmidt with notice and opportunity for hearing.

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21 IT IS SO ORDERED THIS 20th day of May, 2015.

22 TEACHER STANDARDS AND PRACTICES COMMISSION

23 By: 
24 Victoria Chamberlain, Executive Director

1 NOTICE OF APPEAL OR RIGHTS

2
3 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
4 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
5 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
6 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.