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

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

On September 24, 2021, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Robert A. James (James) in which the Commission charged him with Gross Neglect of Duty and/or Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7021 0350 0000 8183 7810 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 was returned to the Commission signed on September 29, 2021. The regular first class mail was not returned to the Commission, and assumed delivered. The Notice of Opportunity of Hearing, dated September 24, 2012, and signed by Anthony Rosilez, 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."

James did not request a hearing. The Commission, therefore, finds James 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. The Commission has licensed James since September 3, 2009. James holds a Professional Teaching License, with endorsements in Special Education: Generalist (PK-12) and Business: Generalist (PK-12), valid from March 20, 2018, through March 19, 2023. During all relevant times, James was employed by the Salem-Keizer School District (SKSD), the Medford School District (MSD), and the Coos Bay School District (CBSD).

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

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

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

6. Investigation found that April 15, 2020, James affirmed by initials and date on an electronic application for a special education teaching position with the CBSD, that the information James provided was true and complete and that he understood that any misrepresentation, falsification, or omission could result in consequences. The application contained several background questions related to misconduct and discipline and required an explanation if answered affirmatively. James answered "Yes" to the following questions:
    - *Have you ever left any educational or school-related employment, voluntarily or involuntarily, while the subject of an inquiry, review or investigation of alleged misconduct? Have you ever left educational or school-related employment when you had reason to believe an investigation for misconduct was underway or imminent?*
    - *Have you ever been placed on leave by your employer for any alleged misconduct?*
    - *Have you ever had an adverse action taken on a professional certificate, license or charter school registration? Have you ever been placed on probationary status for alleged misconduct while holding a professional license?*
    - *Have you ever been disciplined by any public agency responsible for licensure of any kind, including but not limited to educational licensure?*

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

back to work. We decided to move to the Rogue Valley during that time and instead of remaining at the school I resigned." James' explanation to the other questions listed above was, *"See above."* James failed to disclose the Commission's suspension, public reprimand, and probations to his license. James also failed to disclose actions taken by the SKSD and the MSD.

CONCLUSIONS OF LAW

Robert A. James' conduct described 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 584-020-0015(2)(b) (*Skill in setting instructional goals and objectives expressed as learning outcomes*), OAR 584-020-0015(2)(a)(*Use of state and district adopted curriculum and goals*), OAR 584-020-0015(2)(b)(*Skill in setting instructional goals and objectives expressed as learning outcomes*), OAR 584-020-0015(2)(e)(*Skill in the selection and use of teaching techniques conducive to student learning*), OAR 584-020-0020(2)(c)(*Procedures for evaluating curriculum and instructional goals and practices*), OAR 548-020-0025(2)(c) (*Using and maintaining student records as required by federal and state law and district policies and procedures*), OAR 548-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(2)(c) (*Strive for continued improvement and professional growth*); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty*); and OAR 584-020-0040(4)(c) *(Falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties).*

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

FINAL ORDER

The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a one (1) year suspension upon Robert A. James' Oregon educator license.

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

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

IT IS SO ORDERED THIS 12th day of November, 2022.

TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON

By: Anthony J. Rosilez
Dr. Anthony Rosilez, 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.