

1                   BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
2   OF THE STATE OF OREGON  
3

4 In the Matter of the Educator                    )        DEFAULT ORDER OF  
5 License of    )        PUBLIC REPRIMAND  
6 JOSHUA R. SMITH                                 )

7  
8  
9           On February 16, 2023, the Teacher Standards and Practices Commission  
10 (Commission) issued a Notice of Opportunity for Hearing to Joshua R. Smith (Smith) in  
11 which the Commission charged him with Gross Neglect of Duty. The Notice was sent via  
12 U.S. First Class Mail and U.S. Certified Mail Receipt 7021 0350 0000 8184 1909 to the  
13 address on file with the Commission. The Notice designated the Commission file as the  
14 record for purposes of proving a prima facie case. The Certified Mail Receipt was signed and  
15 confirmed delivered on March 6, 2023. The first-class mail was not returned to the  
16 Commission and assumed delivered. The Notice of Opportunity of Hearing, dated February  
17 17, 2023, and signed by Anthony Rosilez, Executive Director, stated:

18           “IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY  
19 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED  
20 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR  
21 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING, WITHDRAW  
22 YOUR REQUEST FOR HEARING, IF YOU FAIL TO APPEAR AT A HEARING, OR  
23 NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE  
24 COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE  
25 THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER  
26 DISCIPLINE.”  
27

28 As of this writing of this order, Smith has not contacted TSPC. The Commission, therefore,  
29 finds Smith to be in default and enters the following findings of fact, conclusions of law, and  
30 final order, based on the files and records of the Commission concerning this matter.  
31

32   **FINDINGS OF FACT**

- 33 1)       Smith applied for Substitute Teaching License on February 8, 2022. The application  
34 is currently pending the outcome of the TSPC investigation cited here. During all  
35 relevant times, Smith was employed by the Roseburg School District (RSD).  
36  
37 2)       On March 17, 2022, the director of Human Resources at the RSD filed a School  
38 District Misconduct Report with the Teacher Standards and Practices Commission

1 (Commission). The report alleged that Smith had received several complaints from  
2 students while he was working as a substitute teacher. The complains were:

- 3
- 4 • Smith allowed a student to rummage through a teacher's desk and remove
- 5 personal items including feminine hygiene products. The student left the
- 6 feminine products on top of the teacher's desk.
- 7 • Smith did not follow substitute plans that were left for him.
- 8 • Smith asked a student about their race.
- 9 • Smith sang a song about sex in front of students.
- 10 • Smith told a student she was small enough to place in a garbage can.
- 11 • Smith told a tall student and a short student that if they were "measuring
- 12 something else" it would likely be different sized as well.
- 13 • Smith told students about his dating life and how he meets women.
- 14

15 3) Per RSD records, these matters were confirmed by district administration and  
16 performance feedback was given to Smith about the behaviors. As a result of these  
17 incidents Smith was removed from the RSD substitute list. On March 18, 2022 Smith  
18 was notified that he had been removed from the RSD substitute list via email. On  
19 March 19, 2022 Smith responded to the RSD email stating "thank you for informing  
20 me. I accept the decision expressed in your previous email. I do not wish to press the  
21 issue further, however, simply as a matter of record, I do believe my understanding of  
22 the events differ somewhat from what has been reported."

23

24 4) Smith interviewed with TSPC Investigative staff on November 3, 2022. During the  
25 interview Smith indicated that the day he was told he would not be substituting for  
26 RSD anymore was a "down day." Smith reported that he had no point of reference as  
27 to how he had made students uncomfortable and stated that he had been notified of  
28 the district decision to remove him from the substitute list by email. Smith reported  
29 that when he left school earlier in the day, he had spoken to the vice principal and  
30 had engaged in a "fairly positive" conversation regarding the day and his  
31 performance. Smith expressed surprise at being removed from the substitute list.  
32 Smith reported that he had not done anything intentional to make any females

1 uncomfortable, student or staff. Smith reported that he made a “side remark” about a  
2 student sitting on a garbage can, but “didn’t mean anything by it.” Smith reported  
3 that he had asked a student of Indian descent about her race because he spoke Hindi  
4 and wanted to speak Hindi to her. Smith reported that he didn’t have a point of  
5 reference for the students going through the teacher’s desk and did not recall seeing  
6 any feminine hygiene products. Smith stated that the day had been difficult, and the  
7 students were difficult to manage, and as a result it had been hard to get through the  
8 lesson plan left for him. Smith stated that in an effort to build rapport with students  
9 he had shared a lot of personal information about himself, including information  
10 about maintaining long-distance relationships with people he had met/dated online.  
11 Smith stated that while he may disagree regarding all of the allegations RSD  
12 reported, he does take full responsibility for not providing a quality classroom  
13 environment for students. Smith reported that he has learned from this experience  
14 and will avoid sharing so much personal information in the future.  
15

### 16 **CONCLUSIONS OF LAW**

17 The conduct described above constitutes gross neglect of duty in violation of ORS  
18 342.175(1)(b); OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-  
19 0025(2)(e) (Using district lawful and reasonable rules and regulations); OAR 584-020-  
20 0040(4)(o) as it incorporates OAR 584-020-0035(1)(b) (Refrain from exploiting  
21 professional relationships with any student for personal gain, or in support of persons or  
22 issues), OAR 584-020-0035(1)(c)(A) (Not demonstrating or expressing professionally  
23 inappropriate interest in a student's personal life), and OAR 584-020-0035(1)(c)(D)  
24 (Honoring appropriate adult boundaries with students in conduct and conversations at all  
25 times).


26 The Commission’s authority to impose discipline in this matter is based upon ORS  
27 342.175.

1 **FINAL ORDER**

2 The Commission hereby issues a public reprimand upon Joshua R. Smith's Oregon  
3 educator license.

4  
5 IT IS SO ORDERED THIS 10 day of May, 2023.

6 TEACHER STANDARDS AND PRACTICES COMMISSION

7  
8 By:   
9 \_\_\_\_\_  
10 Dr. Anthony Rosilez, Executive Director

11  
12  
13 **NOTICE OF APPEAL OR RIGHTS**

14  
15 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW  
16 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM  
17 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE  
18 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.