1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 In the Matter of the STIPULATION AND 4 Teaching License of FINAL ORDER OF REPRIMAND 5 **ERIC ALAN SMITH** AND PROBATION 6 7 On or about March 24, 2008, the Teacher Standards and Practices Commission 8 (Commission) received a report indicating possible inappropriate conduct by Eric Alan 9 Smith (Smith), an educator in the Medford School District. 10 After review of the matters alleged, Mr. Smith and the Commission agree that 11 their respective interests, together with the public interest, are best served by a 12 stipulation to certain facts and the imposition of a Public Reprimand and four-year 13 probation on Mr. Smith's Standard Teaching License. 14 By signing below, Mr. Smith acknowledges, understands, stipulates, and agrees 15 to the following: (i) he has been fully advised of his rights to notice and a hearing to 16 contest the findings of fact, conclusions of law, and order set forth below, and fully and 17 finally waives all such rights and any rights to appeal or otherwise challenge this 18 Stipulation and Final Order of Suspension and Probation (Stipulation and Final Order); 19 (ii) this Stipulation and Final Order is a public document and disclosed to the public upon 20 request to the Commission; (iii) this Stipulation and Final Order is contingent upon and 21 subject to approval and adoption by the Commission. If the Commission does not 22 approve and adopt this Stipulation and Final Order, then neither Mr. Smith nor the 23 Commission are bound by the terms herein; (iv) he has fully read this Stipulation and 24 Final Order, and understands it completely; (v) he voluntarily, without any force or 25 duress, enters into this Stipulation and Final Order and consents to issuance and entry 26 of the Stipulated Final Order below; (vi) he states that no promise or representation has 27 been made to induce him to sign this Stipulation and Final Order; and (vii) he has 28 consulted with an attorney regarding this Stipulation and Final Order and has been fully

1	advised with regard to his rights thereto, or waives any and all rights to consult with an
2	attorney prior to entering into this Stipulation and Final Order and issuance and entry of
3	the Stipulated Final Order below; (viii) Mr. Smith denies the allegations but stipulates
4	that the Commission has sufficient evidence in its files from which it makes the
5	findings of fact below:
6	FINDINGS OF FACT
7	1. The Commission has licensed Mr. Smith since September 11, 1978. Mr. Smith currently
8	holds a Standard Teaching License with a Standard Music endorsement, issued
9	November 3, 2006 and valid until November 2, 2011. During all relevant times Mr. Smith
10	was employed as a music teaching in the Medford School District.
11	2. During the 2007-2008 school year Mr. Smith hugged, then kissed a seven year old
12	female student on the back of the neck.
13	IT IS SO STIPULATED:
14 15	Jan a. Amon 12-27-10
16	Eric Han Smith Date 12-27-10 Date 12-16-10
17 18 ,	MM (Manbelan) 12-16-10
19 '	Victoria Chamberiain, Executive Director Date
20	Teacher Standards and Practices Commission
21	CONCLUSION OF LAW
22	Mr. Smith's conduct toward a female student in one of his classes constitutes gross
23	neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(o) as it incorporates
24 .	OAR 584-020-0035(1)(c)(D)(Honoring appropriate adult boundaries with students in conduct
25	and conversations at all times); and OAR 584-020-0040(n) as it incorporates OAR 584-020-
26	0010(5) (Use of professional judgment).
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1 ORDER

The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a Public Reprimand on Mr. Eric Smith's Standard Teaching License.

Furthermore, the Commission places Mr. Smith on probation for a period of four (4) years from the date of this order subject to the following terms and conditions:

- 1. Mr. Smith will submit documentation that he has undergone an evaluation by a mental health professional acceptable to the Commission. The evaluator provided a written report to the Commission attesting that: (a) Mr. Smith is fit to work with children and teenagers, and (b) that Mr. Smith understands appropriate teacher student boundaries. Mr. Smith shall, at his own initiative and expense, comply with treatment and/or counseling recommended by the individual who completed the evaluation described above. Mr. Smith shall authorize and sign any consent forms necessary for the treatment provider or counselor to furnish records to or discuss Mr. Smith's treatment with the Commission.
- During the period of this probation, Mr. Smith shall submit reports of his compliance with any recommended treatment plan to the Executive Director annually.
- Mr. Smith shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

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1	Failure to comply with these terms constitutes an independent basis for the
2	Commission to revoke Mr. Smith's license or otherwise impose discipline, after first
3	providing him with notice and opportunity for hearing.
4	Issued and dated thisday of February , 2011.
5 6	TEACHER STANDARDS AND PRACTICES COMMISSION STATE OF OREGON
7 8 9	By <u>Juding Chamberlain</u> Victoria Chamberlain, Executive Director