

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

3   In the Matter of the   )           STIPULATION OF FACTS  
4   Teaching License of                                       )           AND FINAL ORDER  
5   JAMES SIMONS   )           OF REPRIMAND

6           On or about December 12, 2007, the Teacher Standards and Practices Commission  
7   (Commission) received an Application for Renewal of Standard Teaching License Form C1-R  
8   from James Simons wherein he answered “yes” to character question 3, indicating that he had  
9   left educational employment prior to the end of an employment contract. Mr. Simons’ attached  
10   explanation indicated that his employer conducted an investigation into internet usage for  
11   inappropriate purposes.

12           Mr. Simons fully cooperated with the Commission’s investigation in this matter. After  
13   review of the matters alleged, Mr. Simons and the Commission agree that their respective  
14   interests, together with the public interest, are best served by a stipulation to certain facts, and a  
15   reprimand.

16           This document sets forth the facts upon which the parties have agreed and the  
17   stipulated sanction to be imposed. Mr. Simons stipulates that there is sufficient evidence in the  
18   Commission’s files and records to support the findings of fact, conclusions of law, and order set  
19   forth below.

20           By signing below, Mr. Simons acknowledges, understands, stipulates, and agrees to the  
21   following: (i) he has been fully advised of his rights to notice and a hearing to contest the  
22   findings of fact, conclusions of law, and order set forth below, and fully and finally waives all  
23   such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final  
24   Order of Reprimand (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public  
25   document and disclosed to the public upon request by the Commission; (iii) this Stipulation and  
26   Final Order is contingent upon and subject to approval and adoption by the Commission. If the  
27   Commission does not approve and adopt this Stipulation and Final Order, then neither Mr.

1 Simons nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation  
2 and Final Order, and understands it completely; (v) he voluntarily, without any force or duress,  
3 enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated  
4 Final Order below; (vi) he states that no promises or representation has been made to induce  
5 him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney  
6 regarding this Stipulation and Final Order and has been fully advised with regard to his rights  
7 thereto, or waives any and all rights to consult with an attorney prior to entering into this  
8 Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

9 **STIPULATION OF FACTS**

10 1. James Simmons has been licensed by the Commission since December 24, 1985.  
11 Mr. Simons currently holds a Standard Teaching License issued December 30, 2007, valid until  
12 December 29, 2012, with an endorsement in Standard Social Studies. Mr. Simons has no  
13 history of discipline with the Commission.

14 2. Mr. Simons was employed by the Archdiocese of Portland at Marist High School in  
15 Eugene until his resignation effective May 31, 2006.

16 3. School records indicate that Mr. Simons spent significant school time using his  
17 school-issued computer for non-academic, inappropriate purposes.

18 **IT IS SO STIPULATED AND AGREED TO:**

19 James Simons  
20 James Simons

7-15-08  
Date

21 Victoria Chamberlain  
22 Victoria Chamberlain, Executive Director  
23 Teacher Standards and Practices Commission

6-16-08  
Date

24 **CONCLUSIONS OF LAW**

25 James Simons used District computer systems inappropriately. This conduct constitutes  
26 Gross Neglect of Duty in violation of OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-  
27 0035(2)(e). (Not use the district's or school's name, property, or resources for noneducational  
28 benefit or purposes without approval of the educator's supervisor or the appointing authority.)

1 The Commission has the authority to impose discipline in this matter is based upon ORS  
2 342.120 through 342.430 and OAR Chapter 584.

3 **FINAL ORDER**

4 The Commission hereby adopts and incorporates herein the above findings of fact and  
5 imposes a Public Reprimand on James Simons. This Stipulation of Facts and Final Order  
6 constitute the Reprimand.

7 Issued and dated this 11<sup>th</sup> day of August, 2008.

8 **TEACHER STANDARDS AND PRACTICES COMMISSION**  
9 **STATE OF OREGON**

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By   
Victoria Chamberlain, Executive Director