





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:

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15 \_\_\_\_\_  
16 Eric Alan Smith  
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18 \_\_\_\_\_  
19 Victoria Chamberlain, Executive Director  
20 Teacher Standards and Practices Commission

14 12-27-10  
15 \_\_\_\_\_  
16 Date

18 12-16-10  
19 \_\_\_\_\_  
20 Date

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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**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.
2. During the period of this probation, Mr. Smith shall submit reports of his compliance with any recommended treatment plan to the Executive Director annually.
3. 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 this 11<sup>th</sup> day of February , 2011.

5 **TEACHER STANDARDS AND PRACTICES COMMISSION**  
6 **STATE OF OREGON**

7 By *Victoria Chamberlain*  
8 Victoria Chamberlain, Executive Director  
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