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## BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSIONY 1 3 2013 1 2 OF THE STATE OF OREGON Teacher Standards & Practices Commission 3 In the Matter of the ) STIPULATION OF FACTS AND 4 ) FINAL ORDER OF PUBLIC **Educator License of** 5 REPRIMAND AND PROBATION JENNIFER ELAINE WAGNER ) 6 7 On or about June 13, 2011, the Teacher Standards and Practices Commission 8 (Commission) received a report from the North Lake School District indicating possible 9 inappropriate conduct by Jennifer Elaine Wagner (Wagner) during the administration of 10 a statewide test. 11 After review of the matters alleged, Wagner and the Commission agree that their 12 respective interests, together with the public interest, are best served by a stipulation to 13 certain facts and the imposition of a public reprimand with a four year probation period. 14 By signing below, Wagner acknowledges, understands, stipulates, and agrees to 15 the following: (i) she has been fully advised of her 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 of Facts and Final Order of Public Reprimand (Stipulation and Final Order); 19 (ii) this Stipulation and Final Order is a public document and disclosed to the public 20 upon request by the Commission; (iii) this Stipulation and Final Order is contingent 21 upon and subject to approval and adoption by the Commission. If the Commission does 22 not approve and adopt this Stipulation and Final Order, then neither Wagner nor the 23 Commission are bound by the terms herein; (iv) she has fully read this Stipulation and 24 Final Order, and understands it completely; (v) she voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of 25 26 the Stipulated Final Order below; (vi) she states that no promise or representation has 27 been made to induce her to sign this Stipulation and Final Order; and (vii) she has 28 consulted with an attorney regarding this Stipulation and Final Order and has been fully 29 advised with regard to her rights thereto, or waives any and all rights to consult with an 30 attorney prior to entering into this Stipulation and Final Order and issuance and entry of 31 the Stipulated Final Order below. 32 177 33 111 34 111

## 1 STIPULATION OF FACTS 2 1. The Commission has licensed Jennifer Elaine Wagner since July 1, 1973. 3 Wagner's current Standard Teaching License with endorsements in Basic Elementary (016), Basic Language Arts (020), Basic Physical Education (018), 4 5 Basic Social Studies (020), and Standard Language Arts and Social Studies (020), 6 was issued on September 7, 2010, and expires on September 6, 2015. During all 7 relevant times, Wagner worked as a teacher with North Lake School District. 8 2. In January / February 2011, Wagner administered the Oregon Assessment of 9 Knowledge and Skills (OAKS) writing test to students in her classroom. During 10 the administering of this exam, Wagner improperly assisted students taking the OAKS writing test in violation of testing protocols by allowing students to take 11 12 rough draft materials home. The 2010 – 2011, OAKS testing manual specifically 13 prohibits testing administrators from assisting students in a manner that may 14 affect their responses and prohibits testing administrators from allowing 15 students to take any testing materials home. Investigations determined Wagner 16 had been properly trained to administer the test, and Wagner had signed the "Test Administrator Assurance Test Security" form indicating she understood 17 18 testing protocol and requirements. 19 3. Wagner accepts responsibility for her actions, and has cooperated with related 20 investigations. 21 111 22 111 23 /// 24 111 25 111 26 IT IS SO STIPULATED: <u>E/8/13</u> Date 14-30-13 27 28 29 Jennifer Elaine Wagner 30 31 Victoria Chamberlain, Executive Director 32 **Teacher Standards and Practices Commission** 33 34

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## 1 CONCLUSION OF LAW 2 Jennifer Elaine Wagner provided impermissible assistance to students during the 3 administration of the OAKS test. This constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-4 5 0010(2)(Encourage scholarship), OAR 584-020-0010(4)(Raise educational standards), 6 OAR 584-020-0010(5) (Use professional judgment), and OAR 584-020-0015(2)(a)(Use 7 of state and district adopted curriculum and goals). 8 The Commission's authority to impose discipline in this matter is based upon 9 ORS 342.175. ORDER 10 11 Based on the foregoing, the Commission hereby orders as follows: 12 1. The Commission adopts and incorporates herein the above findings of fact and 13 conclusions of law, and based thereon, imposes a Public Reprimand on Jennifer 14 Elaine Wagner's Educators License. 1. Wagner is hereby placed on probation for a period of four (4) years from the date 15 16 this order is signed by the Commission subject to the following conditions: 17 a. Wagner shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules 18 19 Chapter 584, Division 020. 20 Violation of any term or condition of probation shall constitute an independent basis for 21 the Commission to revoke Wagner's teaching license, revoke her right to apply for a 22 license, or otherwise impose discipline, after first providing Wagner with notice and 23 opportunity for hearing. Issued and dated this day of July, 2013. 24 25 TEACHER STANDARDS AND PRACTICES COMMISSION 26 STATE OF OREGON smhulain 27 28 Victoria Chamberlain, Executive Dire 29