

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

4   In the Matter of the Educator License of       )       DEFAULT ORDER OF  
5   STEVEN J ELMER                                    )       SUSPENSION  
6  
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8           On April 23, 2014, the Teacher Standards and Practices Commission (Commission) issued a  
9   Notice of Opportunity for Hearing to Steven J Elmer (Elmer) in which the Commission charged him  
10   with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail  
11   Receipt 7010 2780 0000 2187 3026 to the address on file with the Commission. The Notice  
12   designated the Commission file as the record for purposes of proving a prima facie case. The  
13   Certified Mail receipt was returned, signed, to the Commission on April 28, 2014. The regular mail  
14   was not returned to the Commission. The Notice of Opportunity of Hearing, dated April 23, 2014,  
15   and signed by Victoria Chamberlain, Executive Director, stated:

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

23   Elmer did not request a hearing. The Commission, therefore, finds Elmer to be in default and enters  
24   the following findings of fact, conclusions of law, and final order, based on the files and records of  
25   the Commission concerning this matter.  
26

27                                           **FINDINGS OF FACT**

- 28   1. Steven J. Elmer has been licensed by the Commission since July 21, 1997. Elmer holds a  
29   Standard Teaching License with an endorsement in Standard Elementary (016), which was  
30   issued on September 11, 2010, and expires on September 10, 2015. During all relevant times,  
31   Elmer was employed by the Jackson County School District.
- 32   2. On April 9, 2012, the Commission received a report from the Jackson County School District  
33   indicating Elmer violated professional standards involving testing improprieties in the course of  
34   an Oregon Assessment of Knowledge and Skills (OAKS) testing session. District and  
35   Commission investigations determined that on or about March 2012, Elmer improperly assisted  
36   students taking the OAKS writing test in violation of testing protocols. Specifically, Elmer  
37   inappropriately coached a student by providing the student with the answer on the test; Elmer  
38   inappropriately coached students during testing by reading questions aloud when students had  
39   not requested it; Elmer inappropriately reviewed test materials with students to include test

1 items he had observed while testing the prior day; and Elmer inappropriately discussed test  
2 items with other staff. Review by the Oregon Department of Education affirmed these testing  
3 improprieties and invalidated the testing and student scores.

- 4 3. In the course of the school district's investigation, after being advised not to speak with staff or  
5 students about the confidential investigation, Elmer phoned an involved student and attempted  
6 to tamper with this witness. Elmer told this third grade student that he had been caught helping  
7 the student on the test and to please not tell the principal or his father, or Elmer would be  
8 "toast". Investigation determined Elmer had successfully completed the OAKS administration  
9 training given on February 15, 2012, and Elmer understood the testing protocol and  
10 requirements.

### 11 CONCLUSIONS OF LAW

12 Elmer's conduct described above, constitutes gross neglect of duty in violation of ORS  
13 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(2)(*Encourage*  
14 *scholarship*), OAR 584-020-0010(4)(*Raise educational standards*), OAR 584-020-0010(5) (*Use*  
15 *professional judgment*), OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and  
16 regulations); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(b) (*Refrain from*  
17 *exploiting professional relationships with any student for personal gain, or in support of persons*  
18 *or issues*), and OAR 584-020-0035(3)(a)(*Maintain the dignity of the profession by respecting and*  
19 *obeying the law, exemplifying personal integrity and honesty*).  
20

21 The Commission's authority to impose discipline in this matter is based upon ORS 342.175.  
22

### 23 FINAL ORDER

24  
25 The Commission hereby suspends Steven J Elmer's licensure for a period of one (1) year, to  
26 begin upon the date this order is signed and in effect.

27 IT IS SO ORDERED THIS 29<sup>th</sup> day of May, 2014.

28 TEACHER STANDARDS AND PRACTICES COMMISSION



29 By: \_\_\_\_\_  
30 Victoria Chamberlain, Executive Director  
31

1 NOTICE OF APPEAL OR RIGHTS

2  
3 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE  
4 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF  
5 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO  
6 THE OREGON COURT OF APPEALS.