

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

4 In the Matter of the Educator) DEFAULT ORDER OF
5 License of) PUBLIC REPRIMAND
6 TAMERA MARIE SOMERS) AND PROBATION
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9 On May 29, 2015, the Teacher Standards and Practices Commission (Commission)
10 issued a Notice of Opportunity for Hearing to Tamera Marie Somers (Somers) in which the
11 Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First
12 Class Mail and U.S. Certified Mail Receipt 7014 0150 0000 1046 5796 to the address on file
13 with the Commission. The Notice designated the Commission file as the record for purposes
14 of proving a prima facie case. The Certified Mail receipt was returned to the Commission
15 "signed" on June 3, 2015. The first class mail was not returned to the Commission. The
16 Notice of Opportunity of Hearing, dated May 29, 2015, and signed by Victoria Chamberlain,
17 Executive Director, stated:

18 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY
19 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
20 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
21 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU
22 FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER
23 OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF
24 YOUR LICENSE OR OTHER DISCIPLINE."
25

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

29 **FINDINGS OF FACT**

- 30 1. Somers has been licensed by the Commission since July 20, 2004. Somers holds an
31 Initial II Teaching License, with endorsements in Multiple Subjects Self-Contained
32 (ECE, ELE) and Special Education (ECE/ELE L), valid from July 19, 2014, through
33 July 18, 2017. During all relevant times, Somers was employed by the Coos Bay
34 School District.
- 35 2. On May 9, 2013, the Commission received a report from the Coos Bay School District
36 indicating Somers had violated professional standards involving testing improprieties in
37 the course of administering an Oregon Assessment of Knowledge and Skills (OAKS) test.

District and Commission investigations determined that on or about April 24, 2013, Somers improperly assisted students taking the OAKS, grade 3 math test in violation of testing protocols. Specifically, Somers improperly and repeatedly assisted students by verbally and non-verbally coaching students. Investigation determined Somers had been properly trained to administer the test, and Somers had signed the "Test Administrator Assurance of Test Security" form indicating Somers understood testing protocol and requirements. As a result of Somers' actions, all involved students had their test scores invalidated. Due to documented medical issues, Somers was unable to recall the events of the April 24, 2013, incident. On June 12, 2014, Somers resigned her employment with the Coos Bay School District.

CONCLUSIONS OF LAW

Tamera Marie Somers engaged in unprofessional conduct as described above. This conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(2)(*Encourage scholarship*), OAR 584-020-0010(4)(*Raise educational standards*), OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and regulations); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a)(*Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty*).

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

FINAL ORDER

The Commission hereby issues a Public Reprimand upon Tamera Marie Somers' Educator licensure, and places Somers on probation for a period of four (4) years from the date of this order. This probation period is subject to the following terms and conditions:

1. Somers shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

1 Violation of any term or condition of probation shall constitute an independent basis
2 for the Commission to revoke Somers' teaching license or otherwise impose discipline, after
3 first providing Somers with notice and opportunity for hearing.

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6 IT IS SO ORDERED THIS 3rd day of August, 2015.

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8 TEACHER STANDARDS AND PRACTICES COMMISSION



9 By: _____
10 Victoria Chamberlain, Executive Director
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12 NOTICE OF APPEAL OR RIGHTS

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14 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
15 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
16 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
17 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.