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6. Between September 2011 and November 2011, administrators observed that Hutwagner left her classroom unsupervised by a licensed teacher on four separate occasions despite prior warnings and instructions not to leave the classroom unsupervised without a licensed teacher.

IT IS SO STIPULATED:

Brett Allen Anne Hutwagner

April 30 2014  
Date

Victoria Chamberlain, Executive Director  
Teacher Standards and Practices Commission

6-19-14  
Date

#### CONCLUSIONS OF LAW

1. By engaging in the conduct in paragraph 2, Hutwagner committed 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(1) (*Recognize the worth and dignity of all persons and respect for each individual*), OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0015(2)(e) (*Skill in the selection and use of teaching techniques conducive to student learning*), OAR 584-020-0020(2)(d) (*Skill in the supervision of students*); OAR 584-020-0025(2)(a) (*Establishing and Maintaining classroom management that is conducive to learning*); OAR 584-020-0030(2)(b) (*Skill in communicating with administrators, students, staff, parents, and other patrons*).
2. By engaging in the conduct in paragraphs 3 and 6, Hutwagner committed 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(5) (*Use professional judgment*), OAR 584-020-0020(2)(d) (*Skill in the supervision of students*), OAR 584-020-0025(2)(a) (*Establishing and Maintaining classroom management that is*

- 1        *conductive to learning*); OAR 584-020-0025(2)(e) (*Using district lawful and*  
2        *reasonable rules and regulations*).
- 3        3. By engaging in the conduct in paragraph 4, Hutwagner committed Gross Neglect  
4        of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it  
5        incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-  
6        0020(2)(d) (*Skill in the supervision of students*), OAR 584-020-  
7        0025(2)(e) (*Using district lawful and reasonable rules and regulations*); and  
8        OAR 584-020-0040(4)(d) (*Unreasonable physical force against students, fellow*  
9        *employees, or visitors to the school, except as permitted under ORS 339.250*).
- 10       4. By engaging in the conduct in paragraph 5, Hutwagner committed Gross Neglect  
11       of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it  
12       incorporates OAR 584-020-0010(1) (*Recognize the worth and dignity of all*  
13       *persons and respect for each individual*), OAR 584-020-0010(5) (*Use*  
14       *professional judgment*), OAR 584-020-0015(2)(e) (*Skill in the selection and use*  
15       *of teaching techniques conducive to student learning*), OAR 584-020-0030(2)(b)  
16       (*Skill in communicating with administrators, students, staff, parents, and other*  
17       *patrons*); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-  
18       0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct*  
19       *and conversations at all times*).
- 20       5. The Commission's authority to impose discipline in this matter is based upon  
21       ORS 342.175.

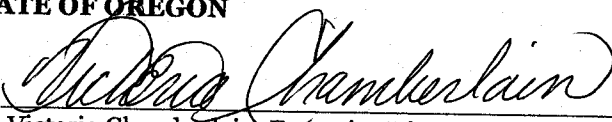
### ORDER

- 24       1. Based on the foregoing, the Commission hereby suspends Mr. Hutwagner's right  
25       to apply for a teaching license for 3 months beginning the date that this order is  
26       signed by the Executive Director below.

- 1        2. The Commission further places Ms. Hutwagner on probation for a period of 4  
2        years beginning the date that she reinstates her suspended license. During the  
3        period of probation, Ms. Hutwagner will be subject Ms. Hutwagner must follow  
4        the standards set by TSPC and state law for Oregon  
5        3. Violation of any term or condition of probation shall constitute an independent  
6        basis for the Commission to revoke Ms. Hutwagner's teaching license or  
7        otherwise impose discipline, after first providing Ms. Hutwagner with notice and  
8        opportunity for hearing.

9        Issued and dated this 16<sup>th</sup> day of August, 2014.  
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11        **TEACHER STANDARDS AND PRACTICES COMMISSION**  
12        **STATE OF OREGON**

13        By   
14        Victoria Chamberlain, Executive Director  
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