

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

In the Matter of the)
Educator License of)
SEANA KAMIKO MCKIERNAN) STIPULATION OF FACTS AND
FINAL ORDER OF SUSPENSION
AND PROBATION

On or about August 7, 2012, the Teacher Standards and Practices Commission (Commission) received information indicating Seana Kamiko McKiernan (McKiernan) had violated professional standards.

After review of the matters alleged, McKiernan and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, the imposition of a sixty (60) day suspension of McKiernan's Oregon Teaching License followed by four (4) years of probation.

This document sets forth the facts upon which the parties have agreed and the stipulated sanction to be imposed. McKiernan stipulates that there is sufficient evidence in the Commission's files and records to support the findings of fact, conclusions of law, and order set forth below.

By signing below, McKiernan acknowledges, understands, stipulates, and agrees to the following: (i) she has been fully advised of her rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Suspension and Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither McKiernan nor the Commission are bound by the terms herein; (iv) she has fully read this Stipulation and 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 the Stipulated Final Order below; (vi) she states that no promises or representation has been made to induce her to sign this Stipulation and Final Order; and (vii) she has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with regard to her rights thereto, or waives any and all rights to consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below. In entering into this stipulation, McKiernan waives the right to a hearing to contest the findings of fact, conclusions of law and order set forth below.


STIPULATION OF FACTS

1. The Commission has licensed Seana Kamiko McKiernan since October 30, 2006. McKiernan currently holds an Initial I Teaching License issued December 31, 2009, with endorsements in ESOL (ML, HS), Multiple Subjects (MIDLVL), and Language Arts (HS,ML), which was due to expire on December 30, 2012. On December 12, 2012, McKiernan made timely application for renewal, and her license was set to "Expiration Pending" awaiting the completion of this investigation. During all relevant times, McKiernan was employed by the Salem-Keizer School District.
2. On August 7, 2012, the Commission was notified by the Salem Keizer School District that McKiernan may have violated professional standards in part, by the misuse of district time and resources.
3. Commission investigation determined that on December 12, 2011, the Salem Keizer School District issued McKiernan a "Letter of Warning". The letter addressed McKiernan's failing classroom management practices, her use of profanity in class, and her excessive use of the classroom computer during instructional time. The letter directed McKiernan to use good professional judgment when interacting with students, refrain from using profanity at all times, use the district computer and internet only for relevant school instructional reasons, and not to retaliate against any students who had complained. The letter also recommended McKiernan participate in the ENVoy classroom management training, which she later completed.
4. Commission investigation further determined that during the spring of 2012, the Salem Keizer School District learned that McKiernan had continued to violate the directives in her December 12, 2011, "Letter of Warning". Specifically, McKiernan continued to use the district computer and internet for her personal use during instructional time. The district drafted a statement of facts supporting McKiernan's dismissal, and she subsequently resigned her employment on July 27, 2012.

1 IT IS SO STIPULATED:

2 
3 Seana Kamiko McKiernan

07-02-14
Date

4 
5 Victoria Chamberlain, Executive Director
6 Teacher Standards and Practices Commission

7-16-14
Date

7 **CONCLUSION OF LAW**

8 Seana Kamiko McKiernan's conduct described in section three (3) above constitutes
9 gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it
10 incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(b)
11 (*Using and maintaining district property, equipment, and materials appropriately*), OAR 584-
12 020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*); OAR 584-020-
13 0040(4)(b) (*Knowing and substantial unauthorized use of employment time or school*
14 *resources for private purposes*); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-
15 020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and*
16 *conversations at all times*).

17 Seana Kamiko McKiernan's conduct described in section four (4) above constitutes gross
18 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates
19 OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(b) (*Using and*
20 *maintaining district property, equipment, and materials appropriately*), OAR 584-020-
21 0025(2)(e) (*Using district lawful and reasonable rules and regulations*); OAR 584-020-
22 0040(4)(a) (*Knowing and substantial unauthorized use of: school name or financial credit;*
23 *school materials or equipment for personal purposes; or school personnel to provide personal*
24 *services unrelated to school business*); and OAR 584-020-0040(4)(b) (*Knowing and*
25 *substantial unauthorized use of employment time or school resources for private purposes*).

26 The Commission's authority to impose discipline in this matter is based upon ORS
27 342.175.

28 **ORDER**

29 The Commission hereby adopts and incorporates herein the above stipulation of facts,
30 conclusions of law, and based thereon hereby imposes a sixty (60) day suspension upon
31 McKiernan's Educator License as follows:

1 Seana Kamiko McKiernan's Educator License is hereby suspended for sixty (60) days
2 following the adoption of this order.


3 Furthermore, the Commission imposes four (4) years of probation upon McKiernan to
4 commence upon reinstatement of her license and subject to the following terms and conditions
5 of probation:

6
7 1. McKiernan shall comply with the Standards for Competent and Ethical Performance
8 of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

9
10 Violation of any term or condition of probation shall constitute an independent basis for the
11 Commission to revoke McKiernan's educator license or otherwise impose discipline, after first
12 providing McKiernan with notice and opportunity for hearing.

13
14 IT IS SO ORDERED this 6th day of August, 2014.

15 TEACHER STANDARDS AND PRACTICES COMMISSION

16
17 By: 
18 Victoria Chamberlain, Executive Director