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MAY 13 2013

Teacher Standards & Practices Commission

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

OF THE STATE OF OREGON

3 In the Matter of the	)	STIPULATION OF FACTS AND
4 Educator License of	)	FINAL ORDER OF PUBLIC
5 JENNIFER ELAINE WAGNER	)	REPRIMAND AND PROBATION

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  
25 duress, enters into this Stipulation and Final Order and consents to issuance and entry of  
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.

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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  
4 Elementary (016), Basic Language Arts (020), Basic Physical Education (018),  
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  
11 OAKS writing test in violation of testing protocols by allowing students to take  
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  
17 "Test Administrator Assurance Test Security" form indicating she understood  
18 testing protocol and requirements.  
19 3. Wagner accepts responsibility for her actions, and has cooperated with related  
20 investigations.

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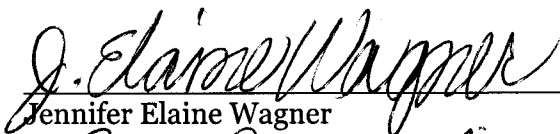
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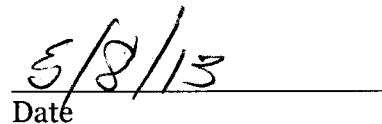
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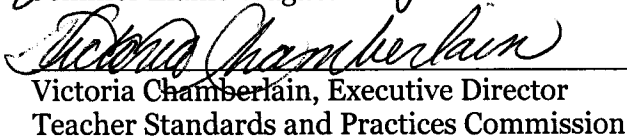
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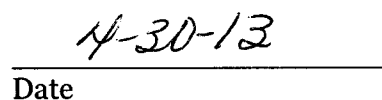
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26 IT IS SO STIPULATED:

27   
28 \_\_\_\_\_  
29 Jennifer Elaine Wagner

  
\_\_\_\_\_ Date

30   
31 \_\_\_\_\_  
32 Victoria Chamberlain, Executive Director  
33 Teacher Standards and Practices Commission

  
\_\_\_\_\_ Date

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  
4 ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-  
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.

10 **ORDER**

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.
- 15 1. Wagner is hereby placed on probation for a period of four (4) years from the date  
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  
18 Performance of Oregon Educators under Oregon Administrative Rules  
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.

24 Issued and dated this 26<sup>th</sup> day of July, 2013.

25 **TEACHER STANDARDS AND PRACTICES COMMISSION**  
26 **STATE OF OREGON**

27 By Victoria Chamberlain  
28 Victoria Chamberlain, Executive Director  
29

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Reprimand and Probation, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail — Return Receipt Requested, addressed to:

Jennifer Elaine Wagner  
1824 Denali Dr E  
Monmouth, OR 97361-1883

DATED this 2<sup>nd</sup> day of August, 2013.

By: Patty Liddell  
Patty Liddell  
Investigative Assistant