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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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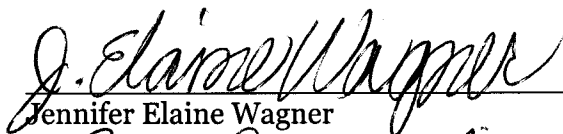
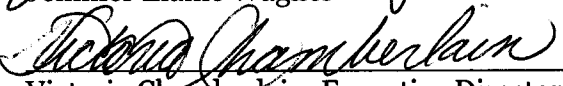
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1 **STIPULATION OF FACTS**

- 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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26 IT IS SO STIPULATED:

27 
28 _____
29 Jennifer Elaine Wagner
30 
31 _____
32 Victoria Chamberlain, Executive Director
33 Teacher Standards and Practices Commission

5/8/13

Date
4-30-13

Date

34
35

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 26th 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 2nd day of August, 2013.

By: Patty Liddell
Patty Liddell
Investigative Assistant