

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2 OF THE STATE OF OREGON

3 In the Matter of the) STIPULATION OF FACTS,
4 Teaching License of) ORDER OF SUSPENSION
5 AARON LYLE WAXENFELTER) AND PROBATION

6 On or about February 2, 2005, the Teacher Standards and Practices
7 Commission (Commission) received a report from Milt Dennison, Superintendent,
8 Clackamas Education Service District (Clackamas ESD), indicating that Aaron Lyle
9 Waxenfelter (Waxenfelter) used his school computer to access sexually explicit material
10 on the Internet.

11 After review of the matters alleged, Mr. Waxenfelter and the Commission agree
12 that their respective interests, together with the public interest, are best served by a
13 stipulation to certain facts and the imposition of a ninety (90) day suspension of
14 licensure followed by four (4) year period of probation upon reinstatement of Licensure.

15 This Order sets forth the facts upon which the parties have agreed and the
16 sanction to be imposed. Mr. Waxenfelter stipulates that there are sufficient facts
17 contained in the Commission's files and records to support the findings of fact and
18 conclusions of law set forth below. In entering into this stipulation, Mr. Waxenfelter
19 waives the right to a hearing to contest the findings of fact, conclusions of law and order
20 set forth below. Mr. Waxenfelter understands that the probation will be subject to
21 specific conditions.

22 This stipulation is contingent upon approval and adoption of the Order by the
23 Commission. If the Commission does not adopt this Order, neither Mr. Waxenfelter nor
24 the Commission are bound by these Stipulations and Mr. Waxenfelter retains all rights
25 to a hearing on the allegations.

1 **STIPULATION OF FACTS**

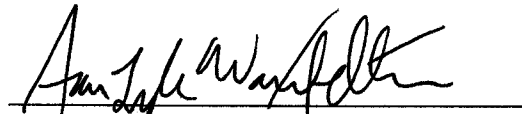
2 1. Mr. Waxenfelter holds a Basic Teaching License issued August 26, 2002,
3 valid through October 11, 2005, with Basic Elementary and Basic Handicapped Learner
4 Endorsements.

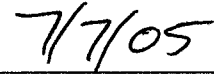
5 2. Mr. Waxenfelter began regular contract employment with Clackamas ESD on
6 August 27, 2001. Mr. Waxenfelter resigned his teaching position effective April 1,
7 2005.

8 3. A District-owned computer with Internet access was present in Mr.
9 Waxenfelter's classroom for his use in connection with his assigned responsibilities.
10 The District has an acceptable use policy. The District's policy prohibits the use or
11 attempted use of equipment for Internet access of sexually explicit materials.

12 4. Beginning in 2002, Mr. Waxenfelter used his classroom computer periodically
13 to access sexually explicit materials through the District's Internet connection in violation
14 of District policy regarding Internet use. There is no evidence that any student was
15 aware of Mr. Waxenfelter's conduct in this matter.

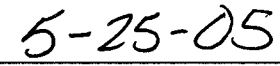
16 IT IS SO STIPULATED:

17 
18 _____
19 Aaron Lyle Waxenfelter



Date

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21 _____
22 Victoria Chamberlain, Executive Director
23 Teacher Standards and Practices Commission



Date

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1 **ULTIMATE FINDING OF FACT**

2 Aaron Lyle Waxenfelter used the computer equipment owned by his employer,
3 Clackamas ESD, located on school premises, to access sexually explicit materials. Mr.
4 Waxenfelter was fully aware that accessing such materials at the workplace using a
5 District owned computer was inappropriate and in violation of District policy.

6 **CONCLUSION OF LAW**

7 Aaron Lyle Waxenfelter's inappropriate use of a District computer constitutes
8 Gross Neglect of Duty in violation of OAR 584-020-0040(4)(q). The Commission's
9 authority to impose discipline in this matter is based upon ORS 342.175.

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2 **ORDER**

3 Aaron Lyle Waxenfelter's Initial Teaching License is suspended for a period of
4 ninety (90) days effective on August 5, 2005. At the end of this suspension period,
5 Mr. Waxenfelter's Basic Teaching License will be reinstated upon:

6 1. Submission of a complete application and fees pursuant to OAR 584-050-
7 0015(3); and

8 2. Submission of documentation that he has undergone an evaluation by a
9 psychotherapist or medical professional acceptable to the Commission, and the
10 evaluator submits a written report to the Commission attesting (a) Mr. Waxenfelter is fit
11 to work with children and teenagers, and (b) there is a high probability he will not use
12 school district equipment to access sexually explicit materials or engage in similar
13 inappropriate behavior. Any costs associated with the assessment or treatment will be
14 the responsibility of Mr. Waxenfelter.

15 Upon the reinstatement of licensure, Mr. Waxenfelter shall be placed on
16 probation by the Commission for a period of four (4) years, subject to the following
17 conditions:

18 1. Mr. Waxenfelter shall substantially comply with any treatment or counseling
19 as recommended by the individual who completed the evaluation described above.
20 Mr. Waxenfelter shall authorize and sign any consent forms as necessary for the
21 treatment provider or counselor to furnish records to or discuss Mr. Waxenfelter's
22 treatment with the Commission.

23 2. Mr. Waxenfelter shall comply with all Standards for Competent and Ethical
24 Performance of Oregon Educators under Oregon Administrative Rules, Chapter 584,
25 Division 020.

1 3. Mr. Waxenfelter shall provide information as requested by the Commission to
2 verify that he has complied with the conditions of probation, including a statement from
3 a future employing district that he has complied with the Standards for Competent and
4 Ethical Performance of Oregon Educators.

5 Violation of the terms of this probation may constitute an independent basis for
6 the Commission to impose discipline, up to and including revocation of Mr.
7 Waxenfelter's teaching license subject to Mr. Waxenfelter's right to a hearing on the
8 issue of whether he violated probation.

9 IT IS SO ORDERED this 9 day of August, 2005.

10 TEACHER STANDARDS AND PRACTICES COMMISSION

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12 By: *Victoria Chamberlain*
13 Victoria Chamberlain, Executive Director

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15 Approved as to form:
16 *Elizabeth McKanna*
17 Elizabeth McKanna, OSB#89306
18 Attorney for Aaron Lyle Waxenfelter

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