1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
5 6 7 8	In the Matter of the Educator) DEFAULT ORDER OF License of) PUBLIC REPRIMAND BENJAMIN E. WADE)
9	On March 23, 2021, the Teacher Standards and Practices Commission (Commission)
10	issued a Notice of Opportunity for Hearing to BENJAMIN E. WADE (Wade) in which the
11	Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First
12	Class Mail and U.S. Certified Mail Receipt 7019 2970 0000 4903 8911 to the address on file
13	with the Commission. The Notice designated the Commission file as the record for purposes
14	of proving a prima facie case. The Certified Mail receipt was returned to the Commission
15	claimed and signed for on April 5, 2021. The first-class mail was not returned to the
16	Commission and assumed delivered. The Notice of Opportunity of Hearing, dated March 23
17	2021, and signed by Anthony Rosilez, Executive Director, stated:
18 19 20 21 22 23 24 25 26 27	"IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING, WITHDRAW YOUR REQUEST FOR HEARING, IF YOU FAIL TO APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
28	Wade did not request a hearing. The Commission, therefore, finds Wade to be in default and
29	enters the following findings of fact, conclusions of law, and final order, based on the files
30	and records of the Commission concerning this matter.
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32	FINDINGS OF FACT
33	1. The Commission has licensed Wade since August 20, 2009. Wade currently holds a
34	Professional Teaching License, with endorsements in Advanced Mathematics (PK-
35	12), Foundational Mathematics (PK-12), Foundational Science (PK-12) and Legacy
36	Middle Level (PK-12), valid from April 4, 2019 through March 31, 2024. During all
37	relevant times, Wade was employed by the ESS and the Tigard-Tualatin School
38	District (TTSD).

1 2. On November 27, 2019, the Commission received a report from ESS West, a 2 substitute teacher contracting agency. According to the report, Wade was working as 3 a substitute teacher on a long-term assignment at the Tualatin High School, a school 4 in the TTSD. According to TTSD, students brought concerns about Wade's behavior 5 towards two students, HF and GT, to a school counselor. The counselor forwarded 6 the information to administration. The student reports alleged that Wade made HF 7 and GT uncomfortable by having inappropriate conversations with them and 8 showing them favoritism in the classroom. Witnesses reported that Wade would ask 9 about HF and GT's dating life, ask to see pictures of them from school dances and 10 vacations, and would show them pictures of trips Wade had taken with friends. 11 Students report that Wade would single out HF and GT, by calling on them 12 frequently in class, and approach/talk with them frequently, including when they 13 were in other classes. Additionally, it was reported that Wade required GT to 14 complete a makeup test in his classroom instead of the counselor's office, and there 15 were no other students present when the test was given. It was also reported that 16 Wade would frequently call on HF first in class and gave her a prize (a cookie) when 17 she won a game in class. It was reported that prizes had never previously been 18 handed out in Wade's class. It was also alleged that Wade asked HF where she worked. This behavior was witnessed by approximately nine students that were 19 20 interviewed by the district during their investigation. Based on the district's findings, 21 Wade was dismissed from ESS, and was forbidden from ever substituting in the 22 TTSD again.

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3. On August 28, 2020, Wade was interviewed by TSPC investigative staff. During the interview, Wade indicated that he tried to be a "relatable" teacher and stated that anything that had been reported was done nefariously. Wade explained that any conversations he had with students about dating or asking to see pictures was in the context of trying to relate to the students. Wade denied that the requests to see photos was done to see students in their swimsuits and stated that any personal conversations he had had with students was not done with romantic or sexual interest. Wade also stated he didn't believe requiring students to test in his classroom was an unusual practice and reported he had done this as a matter of

"testing security and integrity." Wade stated that during the test, his classroom door was always open. Wade reported that HF had confided in him that she felt she was in the wrong math class, and because of this, he singled her out in an effort to make her feel more comfortable. Wade admitted to asking where she worked but indicated that you had done so because he was curious if her work schedule was the reason she was frequently late for class. Wade denied that he asked this as an effort to make contact with her outside of class. Wade stated that he feels most of what was reported was taken the wrong way but stated that if multiple students expressed discomfort then he was in the wrong.

CONCLUSIONS OF LAW

The conduct described above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and regulations); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(b) (Refrain from exploiting professional relationships with any student for personal gain, or in support of persons or issues), OAR 584-020-0035(1)(c)(A) (Not demonstrating or expressing professionally inappropriate interest in a student's personal life), and OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and conversations at all times).

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

FINAL ORDER

The Commission hereby issues a public reprimand upon Benjamin E. Wade's Oregon educator license.

1	IT IS SO ORDERED THIS 27 day of January, 2022.
2	TEACHER STANDARDS AND PRACTICES COMMISSION
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	By: Anthony J. Rosiles
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5	Dr. Anthony Rosilez, Executive Director
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9	NOTICE OF APPEAL OR RIGHTS
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11	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
12	MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
13	THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
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l ' †	PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.