1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 STIPULATION OF FACTS AND In the Matter of the 4 Teaching License of FINAL ORDER OF REPRIMAND 5 RHONDA RAE BAUMANN 6 7 On June 1, 2011, the Commission referred Rhonda Rae Baumann (Baumann), to 8 investigation for teaching/counseling without a proper License. 9 After review of the matters alleged, Baumann and the Commission agree that 10 their respective interests, together with the public interest, are best served by a 11 stipulation to certain facts and the imposition of a public reprimand. 12 By signing below, Baumann acknowledges, understands, stipulates, and agrees 13 to the following: (i) she has been fully advised of her rights to notice and a hearing to 14 contest the findings of fact, conclusions of law, and order set forth below, and fully and 15 finally waives all such rights and any rights to appeal or otherwise challenge this 16 Stipulation of Facts and Final Order of Reprimand (Stipulation and Final Order); (ii) this 17 Stipulation and Final Order is a public document and disclosed to the public upon 18 request by the Commission; (iii) this Stipulation and Final Order is contingent upon and 19 subject to approval and adoption by the Commission. If the Commission does not 20 approve and adopt this Stipulation and Final Order, then neither Baumann nor the 21 Commission are bound by the terms herein; (iv) she has fully read this Stipulation and 22 Final Order, and understands it completely; (v) she voluntarily, without any force or 23 duress, enters into this Stipulation and Final Order and consents to issuance and entry 24 of the Stipulated Final Order below; (vi) she states that no promise or representation has 25 been made to induce her to sign this Stipulation and Final Order; and (vii) she has 26 consulted with an attorney regarding this Stipulation and Final Order and has been fully 27 advised with regard to her rights thereto, or waives any and all rights to consult with an 28 attorney prior to entering into this Stipulation and Final Order and issuance and entry of 29 the Stipulated Final Order below. 30 111 31 STIPULATION OF FACTS 32 1. Rhonda Rae Baumann has been licensed by the Commission since March 17, 2005. 33 Baumann currently holds an Initial I Teaching License, with an endorsement in Physical 34 Education (ML/HS, ECE/ELE); issued March 18, 2008, and valid through November 10, 35 2011 (application pending). On February 23, 2012 Baumann made application for an

- 1 Initial I School Counselor License. During all relevant times, Baumann was employed by 2 the Rogue River School District.
- 3 2. On August 19, 2005, Baumann received an Emergency School Counselor License which 4 expired on August 19, 2006. Baumann applied for renewal of her Initial I Teaching 5 License, which was received on February 28, 2008. On May 20, 2008, TSPC sent 6 Baumann a letter that advised; "The Executive Director has determined that your 7 position as High School Academic/Scholarship Advisor is not acceptable to meet the 8 recent experience requirement for the Initial I Teaching License. Your position as 9 Academic/Scholarship Advisor requires a School Counselor License. If you still have not 10 met requirements for the Initial I School Counselor License your district will need to 11 request extension of your expired Emergency School Counselor License as soon as 12 possible if you are going to continue in your current position". Baumann's school district 13 submitted a PEER form as part of her application, indicating she had worked as 14 "Academic/Scholarship Advisor" for the 2007-2008 school year. Baumann was informed 15 that the change in job title alone was not sufficient to relieve Baumann of the 16 requirement to have a valid School Counselor License. TSPC reviewed Baumann's job 17 description and determined that her position as Academic/Scholarship Advisor still 18 required a School Counselor License. Baumann did not apply for an Initial I School 19 Counselor License, nor did Baumann request an extension of her expired Emergency 20 School Counselor License.
 - 3. Baumann shared TSPC's correspondence with her administration. The school district's administrative assistant errantly and retroactively changed Baumann's PEER form to state that Baumann was classified as "Teacher on Special Assignment (TOSA)" in an attempt to circumvent the required proper licensing. The "TOSA" status was not accepted by TSPC. On or around June 2011, the Rouge River School District reassigned Baumann to a teaching position that complied with her license.

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) 6-22-12 Date 6-19-12 Rhonda Rae Baumann

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Teacher Standards and Practices Commission

1 CONCLUSION OF LAW 2 Rhonda Rae Baumann's Emergency School Counselor License expired on August 18, 3 2006. Baumann did not request an extension, nor did she apply for the Initial I School Counselor 4 License. During the 2007-2008 school year, Baumann was employed as an 5 "Academic/Scholarship Advisor. Baumann was advised on May 20, 2008, that her employment 6 as an "Academic/Scholarship Advisor" had been reviewed and did require a valid School 7 Counselor License. Baumann continued to be employed in a position that required a valid 8 counseling license from 2008 through 2010, until reassigned to a physical education position 9 during the 2010-2011 school year. This conduct constitutes gross neglect of duty in violation of 10 ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use 11 professional judgment); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(2)(a) 12 (Apply for, accept, offer, or assign a position of responsibility only on the basis of professional 13 qualifications, and will adhere to the conditions of a contract or the terms of the appointment), 14 OAR 584-020-0040(4)(r) (Knowingly working without a license). 15 The Commission's authority to impose discipline in this matter is based upon 16 ORS 342,175. 17 111 18 **ORDER** 19 The Commission adopts and incorporates herein the above findings of fact and 20 conclusions of law, and based thereon, imposes a Public Reprimand on Rhonda Rae 21 Baumann's Initial I Teaching License. Issued and dated this 200 day of July, 2012. 22 23 TEACHER STANDARDS AND PRACTICES COMMISSION 24 STATE OF OREGON 25 26 27