1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 In the Matter of the STIPULATION OF FACTS Licensure of AND FINAL ORDER 5 LORRAINE CONSILIVER OF REPRIMAND 6 On January 8, 2009, the Teacher Standards and Practices Commission (Commission) 7 received a report from the North Wasco County School District that stated a fourth grade 8 student reported that Mrs. Consoliver hit him during program practice. 9 Consoliver fully cooperated with the Commission's investigation. After review of the 10 matters alleged, Consoliver and the Executive Director agree that their respective interests, 11 together with the public interest, are best served by a stipulation to certain facts and a public reprimand. 12 This document sets forth the facts upon which the parties have agreed and the 13 14 stipulated sanction to be imposed. Consoliver stipulates that there is sufficient evidence in the 15 Commission's files and records to support the findings of fact, conclusions of law, and order set 16 forth below. 17 By signing below, Consoliver acknowledges, understands, stipulates, and agrees to the 18 following: (i) she has been fully advised of her rights to notice and a hearing to contest the 19 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all 20 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final 21 Order of Reprimand (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public 22 document and disclosed to the public by the Commission upon request; (iii) this Stipulation and 23 Final Order is contingent upon and subject to approval and adoption by the Commission. If the 24 Commission does not approve and adopt this Stipulation and Final Order, then neither 25 Consoliver nor the Commission are bound by the terms herein; (iv) she has fully read this 26 Stipulation and Final Order, and understands it completely; (v) she voluntarily, without any force

or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the

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1 Stipulated Final Order below; (vi) she states that no promises or representations have been 2 made to induce her to sign this Stipulation and Final Order; and (vii) she has consulted with an 3 attorney regarding this Stipulation and Final Order and has been fully advised with regard to her 4 rights thereto, or waives any and all rights to consult with an attorney prior to entering into this 5 Stipulation and Final Order and issuance and entry of the Stipulated Final Order below. 6 STIPULATION OF FACTS 7 1. Lorraine Consoliver currently holds a Standard Teaching License that was issued by 8 the Commission on June 15, 2005. The license is valid through June 14, 2010. 9 2. On May 15, 2008 Consoliver was substitute teaching an elementary music class in 10 the North Wasco County School District. 11 During practice for a music program Consoliver noticed a student engaged in 12 conversation with classmates. Concerned that he would miss the cue for the bow Consoliver 13 reports that she attempted to redirect the student. 14 4. The attempted redirection resulting in students and staff reporting that the student was 15 slapped or bopped. The student suffered no visible injury. Consoliver denied intentionally striking the student. 16 17 5. Consoliver underwent an evaluation following this incident which resulted in a 18 conclusion that she "is fit to continue her current duties as music teacher." 19 IT IS SO STIPULATED AND AGREED TO: 20 4/29/09 Date 4-24-09 21 Lorraine Consoliver 22 23 24 Victoria Chambellain, Executive Director 25 Teacher Standards and Practices Commission 26 111 27

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1 **CONCLUSION OF LAW** 2 On May 15, 2008 Lorraine Consoliver struck a student in an attempt to redirect his 3 attention. This conduct constitutes Gross Neglect of Duty in violation of OAR 584-020-4 0040(4)(n) as it incorporates OAR 584-020-010(5) (Use professional judgment). The 5 Commission has the authority to impose discipline in this matter under ORS 342.120 through 342.430 and OAR Chapter 584. 6 7 **FINAL ORDER** 8 The Commission hereby adopts and incorporates herein the above findings of fact and 9 conclusion of law and based thereon, here by imposes a Public Reprimand on Lorraine Consoliver. This Order shall serve as the Public Reprimand. 10 _ day of May, 2009. Issued and dated this, 11 TEACHER STANDARDS AND PRACTICES COMMISSION 12 STATE OF OREGON 13 14 15 16 /ictoria Chamberlain, 17 Account Number: 18111