

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2 OF THE STATE OF OREGON

3 In the Matter of the) STIPULATION OF FACTS,
4 Administrative License of) ORDER OF SUSPENSION
5 JEFFREY ALLAN NAGEL) AND PROBATION

6 On or about February 25, 2003, the Teacher Standards and Practices
7 Commission (Commission) received a report from James Robinson, Superintendent,
8 Lebanon Community Schools, indicating that Jeffrey Allan Nagel (Nagel) used his
9 school computer to access sexually explicit material on the Internet.

10 Mr. Nagel fully cooperated with the Commission's investigation. After review of
11 the matters alleged, Mr. Nagel and the Commission agree that their respective interests,
12 together with the public interest, are best served by a stipulation to certain facts and the
13 imposition of a ninety (90) day suspension of licensure followed by a period of probation
14 upon reinstatement.

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

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

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2 **STIPULATION OF FACTS**

3 1. Mr. Nagel holds a Transitional Administrative License issued July 29, 2002,
4 valid through July 29, 2005, with an Administrator Endorsement.

5 2. Mr. Nagel was employed by Lebanon Community Schools as a Principal of
6 Green Acres Elementary School beginning in July of 2002. Mr. Nagel voluntarily
7 resigned his employment with the District on April 1, 2003.

8 3. A District-owned computer with Internet access was present in Mr. Nagel's
9 office for his use in connection with his assigned responsibilities. The District has a
10 clearly defined electronic communication policy. The District's policy prohibits the use
11 or attempted use of equipment for Internet access of sexually explicit materials.

12 4. Mr. Nagel used his office computer to access sexually explicit materials
13 through the District's Internet connection in violation of District policy regarding
14 electronic communication.

15 5. Mr. Nagel admits that he should not have used the District computer for
16 viewing sexually explicit materials and has expressed remorse for doing so.

17 IT IS SO STIPULATED:

18 JEFFREY ALLAN NAGEL
19 Jeffrey Allan Nagel

20 4-8-03
21 Date

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

25 4-1-03
26 Date

27 **ULTIMATE FINDING OF FACT**

28 Jeffrey Allan Nagel used the computer equipment owned by his employer,
29 Lebanon Community Schools, located on school premises, to access sexually explicit
30 materials. Mr. Nagel was fully aware that accessing such materials at the workplace
31 using a District owned computer was inappropriate and in violation of District policy.

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CONCLUSION OF LAW

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

ORDER

Jeffrey Allan Nagel's Transitional Administrative License is suspended for a period of ninety (90) days effective on April 2, 2003. At the end of this suspension period, Mr. Nagel's Transitional Administrative License will be reinstated upon:

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

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

Upon the reinstatement of licensure, Mr. Nagel shall be placed on probation by the Commission until July 29, 2005, subject to the following conditions:

1. Mr. Nagel shall substantially comply with any treatment or counseling as recommended by the individual who completed the evaluation described above.

Mr. Nagel shall authorize and sign any consent forms as necessary for the treatment provider or counselor to furnish records to or discuss Mr. Nagel's treatment with the Commission.

1 2. Mr. Nagel shall comply with all Standards for Competent and Ethical
2 Performance of Oregon Educators under Oregon Administrative Rules, Chapter 584,
3 Division 020.

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

8 4. Mr. Nagel shall complete all requirements to obtain the Initial or Continuing
9 Administrator License by July 29, 2005.

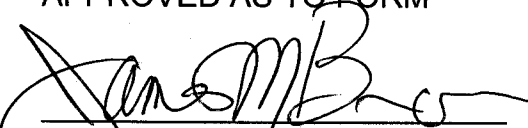
10 Violation of the terms of this probation may constitute an independent basis for
11 the Commission to impose discipline, up to and including revocation of Mr. Nagel's
12 teaching license subject to Mr. Nagel's right to a hearing on the issue of whether he
13 violated probation.

14 IT IS SO ORDERED this 9th day of May, 2003

15 TEACHER STANDARDS AND PRACTICES COMMISSION

16
17 By: 
18 Victoria Chamberlain, Executive Director

19 APPROVED AS TO FORM

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21 
22 James M. Brown, OSB# 67012
23 Attorney for Jeffrey Allan Nagel

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