

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

In the Matter of the)
Teaching License of) STIPULATION OF FACTS,
GINGER MCKENZIE) PROBATION, AND ORDER
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The Teacher Standards and Practices Commission (Commission) proposes to suspend the Oregon teaching certificate of Ginger McKenzie (McKenzie) upon certain allegations. The parties have reviewed together the matters alleged, and have agreed that their respective interests, together with the public interest, are best served by stipulation to the facts set forth below and the voluntary suspension of McKenzie's certificate for 90 days. McKenzie waives her right to a hearing to contest the allegations. This agreement sets forth all those facts upon which the parties have agreed, the sanction to be imposed, and the basis for the Commission's order.

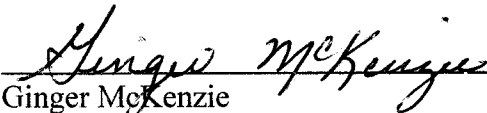
STIPULATED FACTS

1. Ginger McKenzie was a permanent teacher at Liberty Elementary School in the Salem-Keizer School District during the 1997-98 school year. At that point she was in her 18th year with the Salem-Keizer School District, and had been a licensed educator in the State of Oregon for more than 20 years. Recommendations from school administrators indicate that Ms. McKenzie was performing satisfactorily in her assignments prior to January 26, 1998. On January 26, 1998, Ms. McKenzie was suspended from her duties as a teacher with the Salem-Keizer Public School District based upon allegations by the Salem Police Department that resulted in her being charged with possession of a controlled substance and manufacturing of a controlled substance. McKenzie remained an employee of the School District through June 17, 1999, at which time she resigned.
2. The evidence against McKenzie was dismissed from the criminal case by an order of the Marion County Circuit Court filed on January 13, 1999. The State has appealed that order, and the appeal is still pending before the Oregon Court of Appeals. McKenzie has not been convicted of any crime.
3. As a settlement in this matter, McKenzie makes no admissions but agrees that there is evidence in the record for the Commission to find that McKenzie was aware that more than one ounce of marijuana was grown and stored at a building adjacent to her residence in January of 1998. McKenzie's boyfriend owned the residence and adjacent building and exercised primary control over it. There is no

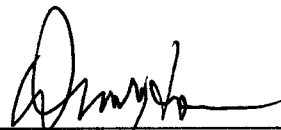
evidence that these activities had any adverse effect on McKenzie's job performance. The Commission will find that the alleged activity constitutes gross unfitness under OAR 584-020-0040(5).

4. McKenzie agrees that her teaching license, which has remained in effect during the pendency of this matter, may be suspended for a period of 90 days from the date this stipulation is signed. Upon reinstatement, McKenzie's license will be renewed in accordance with the application submitted to the Commission by McKenzie on October 18, 1998.
5. McKenzie's teaching license will be suspended for the period of 90 days beginning on the date this stipulation is signed by McKenzie and received by the Commission. Upon reinstatement, McKenzie will be placed on probation for a period of two years subject to the conditions that she (1) undergoes an evaluation for drug dependence at her expense by an evaluator acceptable to the Commission; (2) participates in ongoing counseling or treatment if recommended by the evaluator; and (3) not use any unlawful drugs and not consume alcohol if recommended by her evaluator or treatment provider. McKenzie will also comply with all standards for competent and ethical educators under OAR 584 Division 20, as a condition of probation.
6. This Stipulation and Proposed Order are contingent upon approval by the full Commission at the Commission's meeting scheduled for September 17, 1999. If the Commission does not approve the Stipulation and Proposed Order, the matter shall be scheduled for a hearing and McKenzie shall not be bound by any matters in the proposed stipulation. It is so stipulated:

Date: 7/29/99


Ginger McKenzie

Date: 8/20/99


David V. Myton, Executive Secretary
Teacher Standards and Practices Commission

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PROPOSED ORDER

BASED UPON THE FOREGOING STIPULATION, IT IS ORDERED:

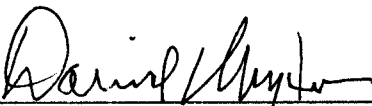
The Teacher Standards and Practices Commission places Ginger McKenzie on suspension for a period of 90 days beginning on July 29, 1999. Ginger McKenzie shall be on probation for a period of two years.

The conditions of probation shall be as follows:

1. During the period of probation McKenzie will undergo an evaluation for drug dependency at her expense by an evaluator acceptable to the Commission. If recommended by the evaluator, she shall participate in ongoing counseling or treatment. McKenzie shall not use any unlawful drugs, and if recommended by evaluator or treatment provider shall not consume alcohol.
2. McKenzie shall obey all laws and shall comply with all standards of competent and ethical performance of Oregon educators under OAR 58, Division 20.

It is so ordered this 17th day of September, 1999.

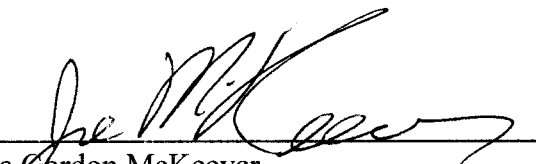
Date: 9/17/99



David V. Myton, Executive Secretary
Teacher Standards and Practices Commission

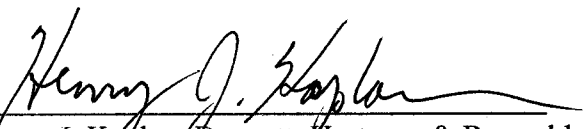
APPROVED AS TO FORM:

Date: August 17, 1999



Joe Gordon McKeever
Assistant Attorney General

Date: July 27, 1999



Henry J. Kaplan, Bennett, Hartman & Reynolds
Attorney for Ginger McKenzie