

1 BEFORE THE TEACHIS STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON

3 In the Matter of the)
4 Educator License of)
5 CHESTER JOHN NOVITT)
6 STIPULATION OF FACTS AND
7 FINAL ORDER OF REPRIMAND
8 AND PROBATION

7 On or about June 23, 2017, the Teacher Standards and Practices Commission
8 (Commission) received a report from the Beaverton School District (District or BSD)
9 indicating possible professional misconduct on the part of licensed educator Chester
10 John Novitt (Novitt).

11 After review of the matters alleged, Novitt and the Commission agree that their
12 respective interests, together with the public interest, are best served by a stipulation to
13 certain facts, the imposition of a Public Reprimand, and a period of probation.

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

19 By signing below, Novitt acknowledges, understands, stipulates, and agrees to the
20 following: (i) he has been fully advised of his rights to notice and a hearing to contest the
21 findings of fact, conclusions of law, and order set forth below, and fully and finally
22 waives all such rights and any rights to appeal or otherwise challenge this Stipulation of
23 Facts and Final Order of Reprimand and Probation (Stipulation and Final Order); (ii)
24 this Stipulation and Final Order is a public document and disclosed to the public upon
25 request by the Commission; (iii) this Stipulation and Final Order is contingent upon and
26 subject to approval and adoption by the Commission. If the Commission does not
27 approve and adopt this Stipulation and Final Order, then neither Novitt nor the
28 Commission are bound by the terms herein; (iv) he has fully read this Stipulation and
29 Final Order, and understands it completely; (v) he voluntarily, without any force or
30 duress, enters into this Stipulation and Final Order and consents to issuance and entry of
31 the Stipulated Final Order below; (vi) he states that no promise or representation has
32 been made to induce him to sign this Stipulation and Final Order; and (vii) he has
33 consulted with an attorney regarding this Stipulation and Final Order and has been fully
34 advised with regard to his rights thereto, or waives any and all rights to consult with an

1 attorney prior to entering into this Stipulation and Final Order and issuance and entry of
2 the Stipulated Final Order below.

3 **STIPULATION OF FACTS**

- 4 1. The Commission has licensed Novitt since July 29, 1994. Novitt holds a
5 Professional Teaching License, with endorsements in Biology (PK-12), Integrated
6 Science (PK-12), and World Language: Japanese (PK-12), valid from August 9,
7 2017 through August 8, 2022. During all relevant times, Novitt was employed by
8 the Beaverton School District.
- 9 2. June 23, 2017, the Commission received a report from the BSD advising that
10 Novitt may have committed act(s) that constitute gross neglect of duty. In April
11 and May of 2017, the BSD received multiple student reports about Novitt's
12 grading and record keeping practices. BSD officials determined Novitt's conduct
13 included a pattern of improper grading practices dating back to the 2015-2016
14 school year.

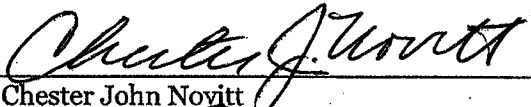
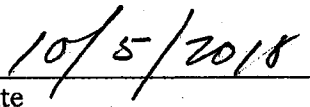

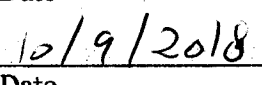
15 In June 2016, Principal Sica met and discussed with Novitt an incident
16 where Novitt awarded a student full credit for an assignment the student
17 submitted that contained nonsensical material unrelated to the assignment. The
18 student did not receive any feedback but still received a "4" on the assignment.

19 On April 28, 2017, the BSD issued Novitt a memo of concern concerning
20 various grading irregularities from the 2016-2017 school year. The District cited
21 its finding that Novitt had given a student a proficiency score of "4" on an
22 assignment, where the student had turned in a nonsensical text of an animated
23 film that had been sent through Google translate numerous times. Novitt
24 maintains that he required hard copy submission of that assignment for actual
25 grading purposes, that he did grade a responsive hard copy of the assignment,
26 and that the grade he entered reflected that work, not the upload. The District
27 further found that Novitt had entered unverified grades from a peer-graded
28 assessment, where students had inappropriately boosted each others' grades. The
29 District also found that the grade mark distribution for Novitt's biology class was
30 unusually high in comparison with individual students' work in other classes,
31 causing the district to be concerned that the grades might not be an accurate
32 reflection of student learning.

33 After issuing the preceding memorandum, the District learned of new
34 allegations of improper grading and conducted further investigation. The District

1 determined that Novitt had entered grades for a March 24, 2017 exam for six
2 students who had in fact missed the exam to attend a robotics competition, and
3 for one student who had been travelling. It also determined that Novitt had
4 entered grades for an April 6, 2018 group presentation for students who missed
5 the presentations and/or ran out of time to give presentations. Novitt maintained
6 that he had given presentations grades based upon other work completed prior.
7 Following the additional investigation, BSD officials determined Novitt
8 repeatedly failed to accurately and fairly assess and report grades as required by
9 BSD policy. On June 8, 2017, Novitt was placed on administrative leave pending
10 a termination recommendation to the school board. Novitt later resigned his
11 employment with the BSD.

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13 IT IS SO STIPULATED:

14		
15	_____	_____
16	Chester John Novitt	Date
17		
18	_____	_____
19	Trent Danowski, Deputy Director	Date
20	Teacher Standards and Practices Commission	

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22 **CONCLUSION OF LAW**

23 The conduct described above constitutes gross neglect of duty in violation of ORS
24 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
25 *professional judgment*), OAR 584-020-0015(2)(b) (*Skill in setting instructional goals*
26 *and objectives expressed as learning outcomes*), OAR 584-020-0015(2)(e) (*Skill in the*
27 *selection and use of teaching techniques conducive to student learning*), OAR 584-020-
28 0020(2)(a) (*Multiple ways to assess the academic progress of individual students*), OAR
29 584-020-0020(2)(b) (*Skill in the application of assessment data to assist individual*
30 *student growth*), OAR 584-020-0025(2)(c) (*Using and maintaining student records as*
31 *required by federal and state law and district policies and procedures*), OAR 584-020-
32 0025(2)(e) (*Using district lawful and reasonable rules and regulations*), and OAR 584-
33 020-0040(4)(c) (*Falsification of any document or knowing misrepresentation directly*
34 *related to licensure, employment, or professional duties*).

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

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ORDER

5 The Commission adopts and incorporates herein the above findings of fact and
6 conclusions of law, and based thereon, imposes a Public Reprimand on Chester John
7 Novitt's Oregon educator license.

8 Furthermore, the Commission imposes a two (2) year period of probation upon
9 Novitt's licensure to commence from the date this order is signed by the Commission
10 and subject to the following conditions:

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1. Novitt shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

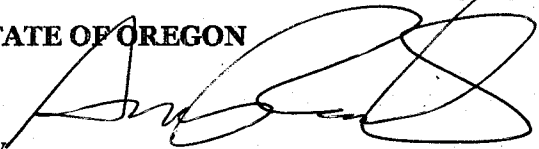
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Issued and dated this 2 day of November, 2018.

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TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON

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By  _____

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Dr. Anthony Rosilez, Executive Director