## BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

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## OF THE STATE OF OREGON 2 STIPULATION OF FACTS AND 3 In the Matter of the FINAL ORDER OF SUSPENSION ) 4 **Educator License of** 5 JACLYN BRODERICK **PROBATION** 6 7 On or about March 15, 2012, the Teacher Standards and Practices 8 Commission (Commission) received reports from the Multnomah Education 9 Service District (MESD) indicating that Jaclyn Broderick (Broderick) was 10 suspected of violating District Policies and Professional Standards. 11 After review of the matters alleged, Broderick and the Commission agree 12 that their respective interests, together with the public interest, are best served by 13 14 a stipulation to certain facts, the imposition of a six (6) month suspension of her licensure, followed by a four (4) year probation upon reinstatement. 15 16 By signing below, Broderick acknowledges, understands, stipulates, and agrees to the following: (i) she has been fully advised of her rights to notice and a 17 hearing to contest the findings of fact, conclusions of law, and order set forth 18 below, and fully and finally waives all such rights and any rights to appeal or 19 otherwise challenge this Stipulation of Facts and Final Order of Suspension and 20 Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a 21 public document and disclosed to the public upon request by the Commission; 22 (iii) this Stipulation and Final Order is contingent upon and subject to approval 23 and adoption by the Commission. If the Commission does not approve and adopt 24 this Stipulation and Final Order, then neither Broderick nor the Commission are 25 bound by the terms herein; (iv) she has fully read this Stipulation and Final 26 Order, and understands it completely; (v) she voluntarily, without any force or 27 duress, enters into this Stipulation and Final Order and consents to issuance and 28 entry of the Stipulated Final Order below; (vi) she states that no promise or 29 representation has been made to induce her to sign this Stipulation and Final 30 Order; and (vii) she has consulted with an attorney regarding this Stipulation and 31 Final Order and has been fully advised with regard to his rights thereto, or waives 32 any and all rights to consult with an attorney prior to entering into this 33

- 1 Stipulation and Final Order and issuance and entry of the Stipulated Final Order
- 2 below. Broderick understands that the probation will be subject to specific terms
- 3 and conditions.

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## STIPULATION OF FACTS

- The Commission has licensed Jaclyn Broderick since February 11, 1977.
   Broderick's Standard Teaching License, with an endorsement in Standard
   Early Intervention Special Education (011), was issued on July 14, 2011,
   and expires on July 13, 2016. During all relevant times, Broderick was
   employed by the Multnomah Education Service District (MESD).
   Broderick resigned effective October 26, 2012, as part of a separation
   agreement.
  - 2. Historical employment documents indicate Broderick has suffered a significant history with alcohol abuse dating back to 1999. These documents report Broderick having the smell of alcohol on her breath, alcohol treatment agreements, and last chance employment agreements.
  - 3. On or about April 14, 2012, Broderick entered into a "last chance agreement" with the MESD. On or about October 17, 2012, Broderick was reported to MESD administrators because she smelled of alcohol on her breath and person while on duty. On October 17, 2012, at 9:48 am, Broderick was given a breath test that indicated a BAC of .039. A second breath test on October 17, 2012, at 10:05 am showed a BAC result of .034. On October 17, 2012, at approximately 10:40 am, a blood test sample was drawn from Broderick and later results indicated a positive finding for alcohol.

26 IT IS SO STIPULATED:

27 Jackyn Broderick

29 Jackyn Broderick

29 Jackyn Broderick

20 Date

4-24-/4

Date

31 Victoria Chamberlain, Executive Director

32 Teacher Standards and Practices Commission

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## **CONCLUSION OF LAW**

2	On October 17, 2012, Broderick was working under the influence of alcohol
3	while on duty and on school property. Being under the influence of alcohol was a
4	violation of Broderick's last chance agreement with MESD. This conduct
5	constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-
6	020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use of professional
7	judgment), OAR 584-020-0025(2)(e) (Using district lawful and reasonable
8	rules and regulations); and OAR 584-020-0040(4)(g) (Appearing on duty or at
9	any district-sponsored activity while under the influence of alcohol or any
10	controlled substance).
11	The Commission's authority to impose discipline in this matter is based
12	upon ORS 342.175.
13	ORDER
14	The Commission hereby adopts and incorporates herein the above findings of
15	fact, conclusions of law, and based thereon hereby imposes a six (6) month
16	suspension of Broderick's licensure as follows:
17	Jaclyn Broderick's licensure is hereby suspended for six (6) months
18	following the adoption of this order.
19	Furthermore, the Commission shall impose a four (4) year probation upon
20	Broderick to commence the date of successful reinstatement of licensure
21	and subject to the following terms and conditions of probation:
22	1. As a condition for reinstatement, Broderick will provide a report from
23	an approved alcohol treatment provider / expert indicating she has
24	maintained her sobriety and participation in related treatment.
25	Broderick will submit an initial report as a requirement for
26	reinstatement and continue to submit such reports annually during the
27	course of the probation period.
28	2. Broderick will continue to participate in all post treatment
29	recommendations and recovery programs related to her sobriety.

1	3. Broderick will comply with the Standards for Competent and Ethical
2	Performance of Oregon Educators under Oregon Administrative Rules
3	Chapter 584, Division 020.
4	Violation of any term or condition of probation shall constitute an independent
5	basis for the Commission to otherwise impose discipline, up to and including
6	revocation of Broderick' teaching license, after first providing Broderick with
7	Issued and dated this day of, 2014.  TEACHER STANDARDS AND PRACTICES COMMISSION
8	Issued and dated this day of, 2014.
9	TEACHER STANDARDS AND PRACTICES COMMISSION
10	STATE OF OREGON
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12	By Tuckoup Namberlain
13	Victoria Chamberlain, Executive Director