

1 midnight. Kane was removed from the classroom and requested to submit to a drug
2 and alcohol test. Kane's breath was professionally tested at both 11:58 am and again
3 at 12:15 pm; Kane's test results were a Blood Alcohol Content (BAC) of .225 and .219
4 respectively. The results of Kane's drug screening indicated "Positive" for marijuana.
5 Despite two prior DUI convictions and having a BAC level of nearly three times the
6 presumptive level of intoxication in DUI cases, Kane told investigators that she does
7 not believe she has an alcohol dependency problem.

8 CONCLUSIONS OF LAW

9 Kane's conduct constitutes gross neglect of duty in violation of ORS 342.175(1)(b);
10 OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional*
11 *judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and*
12 *regulations*); and OAR 584-020-0040(4)(g) (*Appearing on duty or at any district-*
13 *sponsored activity while under the influence of alcohol or any controlled substance*).
14


15 The Commission's authority to impose discipline in this matter is based upon ORS
16 342.175.

17 FINAL ORDER

18 The Commission hereby revokes Brandy Anne Kane's right to apply for an educator
19 license.

20 IT IS SO ORDERED THIS 22nd day of October, 2013.

21 TEACHER STANDARDS AND PRACTICES COMMISSION

22 By: 
23 Victoria Chamberlain, Executive Director
24

25 NOTICE OF APPEAL OR RIGHTS

26
27 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
28 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
29 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
30 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.