BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

OF THE STATE OF OREGON

4 5	In the Matter of the Educator License of KANDACE D. HANKS)	STIPULATION OF FACTS AND FINAL ORDER OF PUBLIC REPRIMAND AND
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5	KANDACE D. HANKS)	PUBLIC REPRIMAND AND
6)	PROBATION
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On February 23, 2018, the Teacher Standards and Practices Commission (Commission) received a misconduct report from the Redmond School District (RSD), indicating possible professional misconduct on the part of licensed educator, Kandace D. Hanks (Hanks.)

After review of the matters alleged, Hanks and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the imposition of a Public Reprimend and period of Probation.

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

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

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

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STIPULATION OF FACTS

- 1. The Commission has licensed Hanks since August 8, 1991. Hanks holds a Professional Teaching License, with an endorsement in Elementary Multiple Subjects (PK-12) and Foundational English Language (PK-12), valid from November 30, 2017, through November 18, 2022. During all relevant times, Hanks was employed by the Redmond School District (RSD).
- 2. On February 23, 2018, the Commission received a misconduct report from the RSD indicating Hanks may have committed acts which constitute gross neglect of duty and / or gross unfitness. RSD reported that on February 13, 2018, Hanks reported for work at Obsidian Middle School (OMS) under the influence of alcohol and violated the RSD's drug-free workplace policy by consuming tobacco products on campus.
- 18 3. On February 13, 2018, Hanks was teaching at Obsidian Middle School (OMS). 19 Several students reported seeing Hanks pour "something" from her purse or pocket into a large plastic Starbuck's cup, and drink from it. Additionally, they 20 21 reported observing Hanks drink "Crest mouthwash" from her desk, without 22 spitting it out. The students also reported seeing Hanks take a bottle out of a 23 filing cabinet and "duck" behind her desk while consuming a liquid. The students reported that Hanks was often "angry" during the beginning of class 24 25 and then usually "calm" by the end of class. Students also reported that Hanks' face was "red" and reported that she would often "shake" or stutter" 26 when speaking to the class. The students reported this witnessed behavior to 27 28 school staff. OMS Principal Tami Nakamura came to Hanks' classroom and 29 asked her about the behaviors the students had reported. Nakamura found 30 Hanks to be in possession of a Crest mouthwash container which had tobacco 31 spit in it, and a Starbucks cup that contained alcohol. Hanks gave blood 32 alcohol breath samples via an intoxilyzer machine and the two samples tested 33 positive for alcohol at levels of .153% and .141%. During the district and 34 TSPC's investigation, Hanks admitted to drinking 1-2 glasses of wine at 35 6:45AM before school, and 1-2 glasses of wine at 12:00PM on her lunch break. 36 Hanks denied drinking on the job, and reported to the district and TSPC that she was a "high-functioning" alcoholic. Immediately following this incident, 37 38 while serving a twenty-eight (28) day district suspension, Hanks successfully completed inpatient alcohol treatment. 39 40

IT IS SØ STIPULATED:

The same of the same

Page 2 STIPULATION OF FACTS AND FINAL ORDER OF PUBLIC REPRIMAND AND PROBATION – KANDACE D. HANKS

1	TT 9 Danoung 03/23/2021				
2	Trent Danowski, Deputy Director Date Teacher Standards and Practices Commission				
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5	CONCLUSION OF LAW				
6	The conduct described in sections two (2) and (3) above constitutes gross neglect				
7	of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates				
8	OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-0025(2)(e) (Using				
9	district lawful and reasonable rules and regulations), and OAR 584-020-0040(4)(g)				
10	(Appearing on duty or at any district-sponsored activity while under the influence of				
11	alcohol or any controlled substance).				
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14	The Commission's authority to impose discipline in this matter is based upon				
15	ORS 342.175.				
16	ORDER				
17	The Commission adopts and incorporates herein the above findings of fact and				
18	conclusions of law, and based thereon, imposes a Public Reprimand on Kandace D.				
19	Hanks' Oregon educator license. Additionally, the commission imposes a term of				
20	Probation for not less than 3 years. Furthermore, the Commission requires that Hanks				
21	submit documentation of AA attendance and Serenity Lane Alumni/Aftercare Group				
22	Meetings and Hanks also agrees to complete an updated substance abuse evaluation with				
23	a certified substance abuse treatment professional due before the end of her first year of				
24	probation.				
25	To April				
26	Issued and dated this day of February, 2021.				
27	TEACHER STANDARDS AND PRACTICES COMMISSION				
28	STATE OF OREGON				
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31	Dr. Anthony Rosilez, Executive Director				