

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

3 In the Matter of the) STIPULATION OF FACTS AND
4 Educator License of) FINAL ORDER OF SUSPENSION
5 JACLYN BRODERICK) AND
6) PROBATION
7

8 On or about March 15, 2012, the Teacher Standards and Practices
9 Commission (Commission) received reports from the Multnomah Education
10 Service District (MESD) indicating that Jaclyn Broderick (Broderick) was
11 suspected of violating District Policies and Professional Standards.

12 After review of the matters alleged, Broderick and the Commission agree
13 that their respective interests, together with the public interest, are best served by
14 a stipulation to certain facts, the imposition of a six (6) month suspension of her
15 licensure, followed by a four (4) year probation upon reinstatement.

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

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.

4 **STIPULATION OF FACTS**

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

25
26 IT IS SO STIPULATED:

27 Jaclyn Broderick
28 Jaclyn Broderick

April 21, 2014
Date

29 Victoria Chamberlain
30 Victoria Chamberlain, Executive Director
31 Teacher Standards and Practices Commission
32

4-24-14
Date

33

1 **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 notice and opportunity for hearing

8 Issued and dated this 10th day of ~~July~~ ^{August}, 2014.

9 **TEACHER STANDARDS AND PRACTICES COMMISSION**
10 **STATE OF OREGON**

11 By 
12 Victoria Chamberlain, Executive Director
13

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Suspension and Probation, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail — Return Receipt Requested, addressed to:

Jaclyn Petzold Broderick
4235 SW Carson Street
Portland, OR 97219-3532

DATED this 14th day of August, 2014.

By: Patty Liddell
Patty Liddell
Investigative Assistant