

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

In the Matter of the )  
Teaching License of ) STIPULATION OF FACTS, ORDER  
GENEVIEVE BURGETT ) OF SUSPENSION AND PROBATION  
)

On or about January 31, 2001, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Genevieve Burgett (Burgett) in which the Commission proposed to take disciplinary action against her under ORS 342.175 through ORS 432.190. Ms. Burgett requested a hearing to contest the Commission's proposal for disciplinary action.

Prior to the Commission's notice of proposed disciplinary action, Ms. Burgett fully cooperated with the Commission's investigation. After review of the matters alleged, Ms. Burgett and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the suspension of her teaching license and imposition of terms of probation. This Order sets forth the stipulated facts upon which the Commission will base its sanction against Ms. Burgett. Ms. Burgett 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, Ms. Burgett consents to the Commission making these findings and conclusions, and she understands that the Commission will enter an order suspending her teaching license.

In entering into this stipulation, Ms. Burgett waives the right to a hearing to contest the findings of fact, conclusions of law and order set forth below. Ms. Burgett understands that the Commission will suspend her teaching license for one (1) year. Ms. Burgett understands that reinstatement of her teaching license after the one-year period of suspension will be subject to specific conditions and a subsequent two (2) year period of probation.

## STIPULATION OF FACTS

1. The Commission has licensed Ms. Burgett as an Oregon Educator continuously since March 1, 1972. She currently holds a Standard Oregon Teaching License with Basic Elementary, Standard Extreme Learning Problems, Standard Handicapped Learner and Standard Reading Endorsements issued November 9, 1998, valid until October 28, 2003.

2. Ms. Burgett was employed by Tillamook School District ("District"), Wilson Elementary School, beginning in September of 1973. Ms. Burgett served as a licensed educator in the classroom until May of 2000, when she requested an early retirement. For all but one year of her employment with the District, Ms. Burgett taught remedial reading and also, later in her tenure, remedial math.

3. A teacher who was working with Burgett at the time recalls that in January 1996, Burgett yelled angrily at students at Wilson Elementary School. The teacher recalls that Burgett approached her after the incident and Burgett apologized for what she did.

4. On or about January 14, 1999, CR, an elementary school student, complained to her parent that Burgett had put her hands around CR's neck. CR's parent complained to the District. The District confronted Burgett about the incident. Burgett denied choking the student and said she put her hands on the CR's shoulders while stooping in front of CR in order to be at CR's eye level. The District did not arrange any meeting between Burgett and CR or CR's parent. The District issued Burgett a letter stating that her "performance record as a teacher [made] it very hard for us to believe this inappropriate contact could have happened." The letter reminded Burgett that "such physical contact would be inappropriate."

5. A teacher recalls that Burgett yelled at her in the hallway of Wilson Elementary School for failure to test a student. The teacher recalls that this incident occurred in the Fall of 1999.

6. During the 1999-2000 academic year at Wilson Elementary School, Burgett

raised her voice towards students on numerous occasions for behavior which Burgett believed interfered with the ability of students to focus on learning.

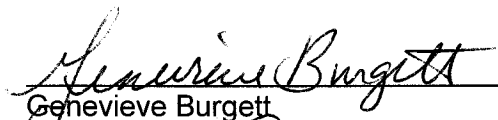
7. In October of 1999 at Wilson Elementary School, Burgett entered a classroom and spoke in angry tones to a female student, LO, during class.

8. In the Spring of the 1999-2000 school year Burgett yelled at first grade students noisily lining up in the hallway outside her classroom.


9. On or about January 14, 2000, Burgett acted inappropriately toward students who she perceived to be unruly while lining up after recess. During this incident, Ms. Burgett raised her voice in anger and made inappropriate statements. She took hold of two students by their shoulders and forced them to turn around and stand in line to re-enter the school. After receiving complaints about the incident, the District conducted an investigation and concluded that Mrs. Burgett had used unreasonable physical force and had acted inappropriately in dealing with the students. Ms. Burgett disputed the District's conclusions through her collective bargaining representative. The District and Ms. Burgett resolved their dispute when Ms. Burgett requested and was granted her contractual right to an early retirement benefit.

This stipulation is contingent upon approval and adoption of the Order by the Commission. If the Commission does not adopt this Order, neither Ms. Burgett nor the Commission are bound by these Stipulations and Ms. Burgett retains all rights to a hearing on the allegations.

IT IS SO STIPULATED:

  
Genevieve Burgett

9/30/02  
Date

  
Victoria Chamberlain, Executive Director  
Teacher Standards and Practices Commission

10-3-02  
Date

## CONCLUSIONS OF LAW

Ms. Burgett violated OAR 584-020-0040(4)(n), Gross Neglect of Duty, by making loud and inappropriate comments to students and creating an intimidating, hostile or offensive educational environment for those students. Her conduct also was in violation of OAR 584-020-0040(4)(d), Gross Neglect of Duty, by engaging in unreasonable physical force against students.

## ORDER

The Commission suspends the Oregon Standard Teaching License of Genevieve Burgett, effective upon the date of the Commission's approval of this order, for a period of one year. At the end of this suspension period, Ms. Burgett's Teaching License shall be reinstated providing she meets the following conditions:

1. Complete application as per OAR 584-050-0015(3) with required supporting documentation and fees;
2. Documentation that she has undergone an evaluation by a medical professional acceptable to the Commission and that she has submitted this order to that professional. The evaluator shall submit a written report to the Commission attesting (1) Ms. Burgett is fit to work with children and teenagers, and (2) there is a high probability she will not engage in similar inappropriate behavior. Any costs associated with the assessment or treatment will be the responsibility of Ms. Burgett;

Upon reinstatement of her teaching license, Ms. Burgett shall be placed on probation for a period of two years and subject to the condition that she comply with all Standards for Competent and Ethical Performance under Chapter OAR 584, Division 020 and adhere to any treatment recommendations of her medical provider.

Violation of the terms of this probation may constitute an independent basis for the Commission to impose discipline, up to and including revocation of Ms. Burgett's teaching

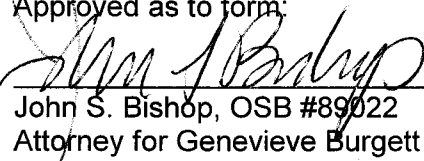
license subject to Ms. Burgett's right to a hearing on the issue of whether she violated probation.

Dated this 11 day of October, 2002.

TEACHER STANDARDS AND PRACTICES COMMISSION

By:   
Victoria Chamberlain, Executive Director

Approved as to form:

  
John S. Bishop, OSB #89022  
Attorney for Genevieve Burgett