

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

3 In the Matter of the) STIPULATION OF FACTS,
4 Teaching License of) AND FINAL ORDER
5 DIANE MARIE BROOKE) OF SUSPENSION

6 On or about June 15, 2007, the Teacher Standards and Practices Commission (Commission)
7 received a report from Kenneth Stott, Principal, Gervais Middle School alleging that Diane Marie
8 Brooke (Brooke) violated standards when she used physical force against students.

9 Ms. Brooke fully cooperated with the Commission's investigation. After review of the matters
10 alleged, Ms. Brooke and the Commission agree that their respective interests, together with the public
11 interest, are best served by a stipulation to certain facts and the imposition of a thirty (30) day
12 suspension of licensure.

13 This document sets forth the facts upon which the parties have agreed and the stipulated
14 sanction to be imposed. Ms. Brooke stipulates that there is sufficient evidence in the Commission's
15 files and records to support the findings of fact, conclusions of law, and order set forth below.

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

1 has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised
2 with regard to her rights thereto, or waives any and all rights to consult with an attorney prior to
3 entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order
4 below.

5 STIPULATION OF FACTS

- 6 1. The Commission has licensed Ms. Brooke since May 30, 2000. Ms. Brooke currently holds
7 an Initial I Teaching license, issued February 6, 2004, expiring February 2, 2008, with an
8 endorsements in multiple subjects, multiple subject self contained and middle school science,
9 and elementary and middle-level authorizations
- 10 2. On or about May 11, 2007, Ms. Brooke threw a clipboard at a student's back in order to get his
11 attention. The clipboard hit the student's back flatly. The student was not injured.
- 12 3. During the same week Ms. Brook used profanity in her interaction with another student.
- 13 4. On or about May 9, 2007, Ms. Brooke jokingly hit a fellow teacher on the chest in the presence
14 of students and staff. When he complained that Ms. Brooke was hurting him she replied,
15 "What is the matter, are you a weakling?"
- 16 5. On or about June 8, 2007, Ms. Brooke grabbed a female student by the ponytail in order to get
17 her attention.
- 18 6. Ms. Brooke apologized to each student involved in these incidents. She also understands that
19 these actions were inappropriate and is voluntarily seeking assistance to address these
20 issues.

21 IT IS SO STIPULATED AND AGREED TO:

22 Diane Marie Brooke
23 Diane Marie Brooke

Date January 16, 2008

24 Heidi M. Mount for Victoria
25 Victoria Chamberlain, Executive Director
26 Teacher Standards and Practices Commission
27 Wamboldt

Date 1/16/08

1 **CONCLUSIONS OF LAW**

2 In May and June of 2007 Ms. Brooke used unreasonable physical force against students and
3 staff on several occasions. This conduct constitutes Gross Neglect of Duty in violation of OAR 584-
4 020-0040(4)(d). In May of 2007 Ms. Brooke used profanity toward a student. This conduct
5 constitutes Gross Neglect of Duty in violation of OAR 584-020-0040(4)(o) as it incorporates OAR 584-
6 020-0030(2)(b). The Commission's authority to impose discipline in this matter under ORS 342.120
7 through 342.430 and OAR Chapter 584.

8 **ORDER**

9 The Commission adopts and incorporates herein the above finding of facts, conclusions of
10 law, and based thereon, hereby imposes a thirty (30) day suspension upon Diane Marie Brooke's
11 Standard Teaching License effective the date of this Order.

12 Furthermore, reinstatement of her license is conditioned on the following terms:

13 1. Ms. Brooke shall, at her own initiative and expense, continue to obtain treatment from her
14 mental health professional for the issues that led to the incidents mentioned herein.

15 2. Ms. Brooke shall submit documentation that she has undergone an evaluation by a
16 psychotherapist, medical professional, or other mental health professional, and the
17 evaluator submits a written report to the Commission attesting (a) Ms. Brooke is fit to
18 work with children and teenagers, and (b) there is a high probability she will not
19 engage in similar inappropriate behavior. Any costs associated with the assessment
20 or treatment will be the responsibility of Ms. Brooke.


21 3. Reinstatement of Ms. Brooke's license is contingent upon the Executive Director's
22 consideration of all information submitted by mental health providers.

23 4. Ms. Brooke shall comply with the Standards for Competent and Ethical Performance of
24 Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

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1 IT IS SO ORDERED this 11th day of, February 2008.

2 **TEACHER STANDARDS AND PRACTICES COMMISSION**
3 **STATE OF OREGON**

4 By 
5 Victoria Chamberlain, Executive Director
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