

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

5 **STIPULATION OF FACTS**

- 6 1. The Commission has licensed Basque as a teacher in Oregon since July 29, 1988.
7 Basque currently holds a Standard Teaching License, issued on May 24, 2012, with
8 endorsements in Basic Integrated Science 020, Basic Reading 080, Standard Biology
9 020, and Standard Exceptional Learner 018. Basque's Standard Teaching License is
10 valid through May 23, 2017. During all relevant times, Basque was employed by the
11 Oakland School District. Basque retired from the District effective June 10, 2011.
- 12 2. On or about January 21, 2011, the Oakland School District received a complaint from
13 a substitute instructional assistant alleging poor classroom management in a special
14 education environment. Specifically, the complaint alleged that Basque had told
15 students to "Take these home and cry over them" when referring to student writing
16 assignments.
- 17 3. The District investigated the complaint but did not speak with all of Basque's regular
18 instructional assistants about Basque's general classroom management and
19 instructional approach. Basque cooperated in the District's investigation and
20 acknowledged that while he should have used different words, he had only intended
21 his comments to remind students that they were capable of higher level work and to
22 encourage them to perform better.
- 23 4. The District received no complaints regarding the comments from any student or
24 parent.
- 25 5. On March 7, 2011, the District issued Basque a written reprimand and a two day
26 suspension without pay.
- 27 6. Basque fully cooperated in the Commission's investigation of the District's report.

28 IT IS SO STIPULATED:

29 Dana Edward Basque
30 Dana Edward Basque

10/15/2012
Date

31 Victoria Chamberlain
32 Victoria Chamberlain, Executive Director
33 Teacher Standards and Practices Commission
34

10-25-12
Date

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CONCLUSION OF LAW

Basque's conduct outlined above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1)(*Recognize the worth and dignity of all persons and respect for each individual*) and OAR 584-020-0010(5) (*Use professional judgment*).

ORDER

The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a 90 day suspension of Dana Edward Basque's Standard Teaching License to be followed by a period of four (4) years of probation.

During the term of probation, Basque shall comply with all of the Commission's statutes and rules regarding competent and ethical performance. Violation of a term or condition of probation may constitute an independent basis for the Commission to impose additional disciplinary sanctions, subject to Basque's contested case hearing rights.

Issued and dated this 5th day of November, 2012.

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

By 
Victoria Chamberlain, Executive Director