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

In the Matter of the) STIPULATION OF FACTS AND
Educator License of) FINAL ORDER OF REPRIMAND
CYNTHIA I QUIRK) AND PROBATION

On April 9, 2013, the Commission received a complaint from a patron of the Pleasant Hill School District alleging that Cynthia Quirk (Quirk) may have violated professional standards. On May 6, 2013, the Commission received report from the Pleasant Hill School District alleging Quirk violated professional standards and local policy, specifically, that Quirk used unnecessary physical force to direct a student. Investigation determined that both the patron complaint and the district report were regarding the same conduct / incident.

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

By signing below, Quirk 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 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 Quirk 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 consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

1 **STIPULATION OF FACTS**

- 2 1. Cynthia Quirk has been licensed by the Commission since January 13, 1988. Quirk's
3 Professional Teaching License, with endorsements in Elementary- Multiple Subjects
4 (PK-12), and Foundational Mathematics (PK-12), is valid from September 19, 2013,
5 through September 18, 2018. During all relevant times, Quirk was employed by the
6 Pleasant Hill School District.
- 7 2. On or about April 9, 2013, the Commission received a complaint from a patron of the
8 Pleasant Hill School District alleging Quirk physically assaulted a student. On May 6,
9 2013, the Commission received a report from the Pleasant Hill School District alleging
10 Quirk violated professional standards and practices, specifically, that Quirk used
11 unnecessary physical force to direct a student. Subsequent investigation determined that
12 on April 11, 2013, while supervising students on a bus trip, Quirk physically directed
13 student LB by holding the back of her neck and physically directing her to the bus floor
14 to pick up a piece of gum. LB indicted she struck her head on the bus as a result, causing
15 her pain and embarrassment. Quirk denied using excessive force and did not observe her
16 head coming in contact with any part of the bus. Both the school district's and the
17 Commission's investigations determined Quirk's use of force on the involved student to
18 be excessive, inappropriate, and in violation of local policy. The district issued Quirk a
19 written reprimand.

20
21 IT IS SO STIPULATED:

22 Cynthia I. Quirk
23 Cynthia I Quirk

May 25, 2017
Date

24 Monica Beane
25 Dr. Monica Beane, Executive Director
26 Teacher Standards and Practices Commission

5/31/17
Date

27
28 **CONCLUSION OF LAW**

29
30 Cynthia Quirk's conduct described above constitutes gross neglect of duty in
31 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-
32 020-0010(1) (*Recognize the worth and dignity of all persons and respect for each*
33 *individual*), OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-

1 0025(2)(a) (*Establishing and maintaining classroom management that is conducive to*
2 *learning*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and*
3 *regulations*); and OAR 584-020-0040(4)(d) (*Unreasonable physical force against*
4 *students, fellow employees, or visitors to the school, except as permitted under ORS*
5 *339.250*).

6 The Commission's authority to impose discipline in this matter is based upon
7 ORS 342.175.

8 **ORDER**

9 The Commission adopts and incorporates herein the above findings of fact and
10 conclusions of law, and based thereon, imposes a Public Reprimand on Cynthia Quirk's
11 Educator License.

12 Furthermore, the Commission imposes a period of four (4) years of probation
13 upon Quirk's licensure to commence from the date this order is signed by the
14 Commission and subject to the following conditions:

- 15 1. Quirk shall comply with the Standards for Competent and Ethical Performance of
16 Oregon Educators under Oregon Administrative Rules Chapter 584, Division
17 020.

18
19 Issued and dated this 21st day of June, 2017.

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

22 By Monica Beane
23 Dr. Monica Beane, Executive Director
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