

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) ORDER OF REPRIMAND AND
5 SHELLEY MARIE POWELL) PROBATION

6 On April 22, 2005, the Teacher Standards and Practices Commission (Commission)
7 received a report from Marilyn McBride, Superintendent, Milton-Freewater Unified School
8 District indicating that Shelley Marie Powell (Powell) appeared on duty under the influence of
9 alcohol and was a danger to herself and others based on the degree of intoxication and her
10 inability to control her motor functions.

11 Ms. Powell fully cooperated with the Commission’s investigation. After review of the
12 matters alleged, Ms. Powell and the Commission agree that their respective interests, together
13 with the public interest, are best served by a stipulation to certain facts, the imposition of a
14 Public Reprimand and a four (4) year probation.

15 This Order sets forth the facts upon which the parties have agreed and the sanction to
16 be imposed. Ms. Powell stipulates that there are sufficient facts contained in the Commission’s
17 files and records to support the findings of fact and conclusions of law set forth below. In
18 entering into this stipulation, Ms. Powell waives the right to a hearing to contest the findings of
19 fact, conclusion of law and order set forth below. Ms. Powell understands that the probation will
20 be subject to specific terms and conditions.

21 **STIPULATION OF FACTS**

22 1. The Commission has licensed Shelley Marie Powell since October 28, 1987.
23 Ms. Powell currently holds a Substitute Teaching License valid November 15, 2002, through
24 May 23, 2006, with a Substitute Any Specialty endorsement.

25 2. Ms. Powell began her employment with the Milton-Freewater Unified School District
26 in November 2003 as a Special Education Teacher at the Central Middle School.

1 3. On April 18, 2005, Ms. Powell appeared for duty under the influence of alcohol and
2 presented herself as a danger to herself and others.

3 4. Ms. Powell was placed on unpaid leave on April 18, 2005. Currently
4 Ms. Powell is unemployed.

5 5. On or about May 10, 2005, Ms. Powell voluntarily entered Pacific Ridge Residential
6 Alcohol Treatment Center in Jefferson, Oregon.


7 6. Ms. Powell recognizes that she has an alcohol dependency problem and has agreed
8 to a plan of treatment and aftercare as prescribed by her treatment provider.

9 Ms. Powell enters into this Stipulation of Facts with the knowledge that the Commission
10 shall place her on probation for a period of four (4) years. This Stipulation is contingent upon
11 approval and adoption of the Order by the full Commission. If the Commission does not adopt
12 this Order, neither Ms. Powell nor the Commission are bound by these stipulations and
13 Ms. Powell retains the right to a hearing on the allegations.

14 IT IS SO STIPULATED:

15
16 
17 Shelley Marie Powell

10-13-05
Date

18
19 
20 Victoria Chamberlain, Executive Director
21 Teacher Standards and Practices Commission

9-28-05
Date

22 **CONCLUSIONS OF LAW**

23 Shelley Marie Powell's appearance on duty under the influence of alcohol on
24 April 18, 2004, violated OAR 584-020-0040(4)(g). This misconduct constitutes Gross Neglect of
25 Duty. The Commission's authority to impose discipline in this matter is based upon ORS
26 342.175.

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ORDER

The Commission adopts the above stipulation of facts and imposes a Public Reprimand upon Ms. Powell. The Stipulation of Facts, Order and subsequent Probation constitutes the Reprimand.

Furthermore, the Commission imposes a four (4) year probation upon Ms. Powell to commence the date of adoption of this order and subject to the following terms and conditions of probation:

1. Ms. Powell shall, at her own initiative and expense, continue to obtain treatment for her alcohol dependency as recommended by her alcohol treatment provider and abstain from the consumption of alcohol;

2. During the period of this probation, Ms. Powell shall submit to the Executive Director of the Commission reports of her compliance with the aftercare treatment plan. Ms. Powell shall provide these reports every six (6) months during her probation, on or before:

3. Ms. Powell shall report in writing within ten days to the Executive Director of the Commission any arrest or citation for any felony, misdemeanor, major traffic violation or violation of criminal probation; and

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

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1 Violation of any term or condition of probation shall constitute an independent basis for
2 the Commission to revoke Ms. Powell's teaching license or otherwise impose discipline, after
3 first providing Ms. Powell with notice and opportunity for hearing.

4 IT IS SO ORDERED this 9th day of November, 2005.

5 TEACHER STANDARDS AND PRACTICES COMMISSION

6 By 
7
8 Victoria Chamberlain, Executive Director

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10 Approved as to form:

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12
13 Heidi Brown OSB# 92241
14 Attorney for Shelley Marie Powell

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