1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 In the Matter of the STIPULATION OF FACTS AND 4 **Educator License of**) FINAL ORDER OF SUSPENSION 5 CANDICE S BARBER AND PROBATION 6 7 On September 17, 2018, the Teacher Standards and Practices Commission 8 (Commission) received a report from the Vale School District (VSD) indicating Candice 9 Barber (Barber) may have committed an act of gross neglect of duty and/or gross 10 unfitness. 11 After review of the matters alleged, Barber and the Commission agree that their 12 respective interests, together with the public interest, are best served by a stipulation to 13 certain facts, the imposition of a ninety (90) suspension followed by a period of probation. 14 15 This Order sets forth the facts upon which the parties have agreed and the 16 sanction to be imposed. Barber stipulates that there are sufficient facts contained in the 17 Commission's files and records to support the findings of fact and conclusions of law set 18 forth below. In entering into this stipulation, Barber waives the right to a hearing to 19 contest the findings of fact, conclusions of law and order set forth below. 20 By signing below, Barber acknowledges, understands, stipulates, and agrees to 21 the following: (i) she has been fully advised of her rights to notice and a hearing to 22 contest the findings of fact, conclusions of law, and order set forth below, and fully and 23 finally waives all such rights and any rights to appeal or otherwise challenge this 24 Stipulation of Facts and Final Order of Suspension and Probation (Stipulation and Final 25 Order); (ii) this Stipulation and Final Order is a public document and disclosed to the 26 public upon request by the Commission; (iii) this Stipulation and Final Order is 27 contingent upon and subject to approval and adoption by the Commission. If the 28 Commission does not approve and adopt this Stipulation and Final Order, then neither 29 Barber nor the Commission are bound by the terms herein; (iv) she has fully read this 30 Stipulation and Final Order, and understands it completely; (v) she voluntarily, without 31 any force or duress, enters into this Stipulation and Final Order and consents to issuance 32 and entry of the Stipulated Final Order below; (vi) she states that no promise or 33 representation has been made to induce her to sign this Stipulation and Final Order; and 34 (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

35

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

STIPULATION OF FACTS

- The Commission has licensed Barber since February 17, 2004. Barber's
 Professional Teaching License, with endorsements in Elementary- multiple
 subjects (PK-12); Special Education- Generalist (PK-12); and Specialization:
 Early Childhood Education (PK-12), is valid from April 18, 2018 through April 18,
 2023. During all relevant times, Barber was employed by the VSD.
- 2. On September 17, 2018, the Commission received information from the VSD reporting that Barber had violated local policy when she removed prescription medication, belonging to a student, from the safe storage area and consumed the medication herself.
- 3. Investigation determined that on August 23, 2018, Barber entered the secure "vault" at the Vale High School, where Barber opened the medication storage box, searched through the contents, and removed a prescription bottle. The vault area is covered by security cameras that video recorded Barber's actions. The video shows Barber opening the prescription bottle, removing some pills and then consuming them while on duty. District officials immediately conducted an inventory of the medications and discovered that a student's prescription for Adderall (amphetamine) had three pills missing. Local law enforcement was brought in, and Barber was interviewed about her conduct and agreed to a urinalysis test. Barber initially denied taking the missing medication but later confessed after her test results came back positive for amphetamines. Barber's conduct violated local district policies. On September 7, 2018, Barber resigned her employment in lieu of termination.

The law enforcement investigation resulted in criminal charges being filed and Barber was subsequently convicted of Unlawful Possession of a Controlled Substance (Schedule II), a class A misdemeanor. As a result, Barber was sentenced to 18 months of probation and mandatory substance abuse assessment/treatment, which she successfully completed.

1 2 3	Barber fully cooperated with the TSPC, accepted responsibility for her conduct, showed remorse for her actions, and appeared committed to her ongoing recovery.
4	
5	IT IS SO STIPULATED:
6 7 8 9 10 11	Candice Barber Trent Danowski, Deputy Director Teacher Standards and Practices Commission 1-2-1020 Date 1/17/2020 Date
13	
14	CONCLUSION OF LAW
15	Barber's criminal conviction and the conduct underlying her criminal conviction
16	as described in sections two (2) and three (3) above, constitute gross neglect of duty in
17	violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-
18	020-0019(5) (Use professional judgment); OAR 584-020-0025(2)(e) (Using district
19	lawful and reasonable rules and regulations); OAR 584-020-0040(3)(e) (Is convicted of
20	a crime involving the illegal use, sale or possession of controlled substances); OAR 584-
21	020-0040(4)(g) (Appearing on duty or at any district-sponsored activity while under
22	the influence of alcohol, marijuana, or any controlled substance); and OAR 584-020-
23	0040(4)(0) as it incorporates OAR 584-020-0035(3)(a) (Maintain the dignity of the
24	profession by respecting and obeying the law, exemplifying personal integrity and
25	honesty).
26	
27	The Commission's authority to impose discipline in this matter is based upon
28	ORS 342.175.
29	ORDER
30	The Commission adopts and incorporates herein the above findings of fact and
31	conclusions of law, and based thereon, imposes a ninety (90) day suspension upon
32	Barber's Oregon educator license as follows:
33	Candice Barber's Oregon educator license is hereby suspended for ninety (90)

days following the adoption of this order.

34

1	Furthermore, the Commission imposes a three (3) year period of probation upon
2	Barber to commence upon reinstatement of her Oregon educator license and subject to
3	the following terms and conditions of probation:
4	
5	1. Barber shall successfully complete drug and / or alcohol dependency
6	evaluation and treatment as ordered by the court in the criminal
7	conviction. Barber has successfully completed this requirement and
8	submitted proof on August 22, 2019. Barber will continue to follow her
9	ongoing recovery program and remain clean during her probation.
10	2. Barber shall comply with the Standards for Competent and Ethical
11	Performance of Oregon Educators under Oregon Administrative Rules
12	Chapter 584, Division 020.
13	
14	Violation of any term or condition of probation shall constitute an independent basis for
15	the Commission to revoke Barber's Oregon educator license or otherwise impose
16	discipline, after first providing Barber with notice and opportunity for hearing.
17	
18	
19	Issued and dated this day of February 2020.
20	TEACHER STANDARDS AND PRACTICES COMMISSION
21	STATE OF OREGON
22	
23	By Augustian State of the State
24	Dr. Anthony Rosilez, Executive Director