

1 attorney prior to entering into this Stipulation and Final Order and issuance and entry of
2 the Stipulated Final Order below.

3
4 **STIPULATION OF FACTS**

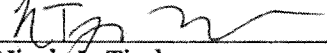
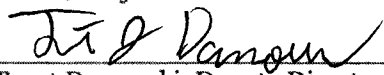
- 5 1. The Commission has licensed Tjarks since May 17, 2016. Tjarks holds a
6 Preliminary Teaching License, with an endorsement in English Language Arts
7 (PK-12), valid from November 17, 2020, through November 16, 2023. During all
8 relevant times, Tjarks was employed by the Heart of Oregon Corps School (HOC).
9
- 10 2. On March 8, 2021, the Commission received information from the Oregon
11 Department of Human Services (DHS) indicating Tjarks may have committed
12 acts which constitute gross neglect of duty and/or gross unfitness. Specifically,
13 DHS reported in February 2021, Tjarks was alleged to have caused mental injury
14 to a student by yelling at and directing inappropriate comments containing
15 profanity at a student.
16
- 17 3. Investigation determined that in October 2020, and November 2020, Tjarks was
18 given verbal warnings regarding cursing and threatening comments to Corps
19 students. On December 10, 2020, the HOC gave Tjarks a written warning for
20 cursing and making threatening remarks to students in the classroom. On
21 January 27, 2021, Tjarks agreed to a performance improvement plan to correct
22 the behavior.
23
- 24 4. Investigation determined that during the 2020-2021 school year, Tjarks worked
25 closely with a 17-year-old student assigned to her classroom approximately 40
26 hours per week. The student expected frequent attention and Tjarks and staff
27 provided constant, positive support. When the student believed he was not being
28 supported, he would engage in negative self-talk and the student's schoolwork
29 suffered. When the positive approach was ineffective with the student, Tjarks
30 would occasionally turn to "tough love". Tjarks reported this approach resulted in
31 improved work and completion of assignments by the student.
32

33 On February 25, 2021, Tjarks spent approximately one hour working one-on-one
34 with the student on an assignment. During this time, the student made self-

1 deprecating remarks. Tjarks reprimanded the student for his remarks which
2 include comments to the student such as: "You are not dumb"; "I'm so fucking
3 sick of your bullshit"; and "Put on your big boy pants and suck it up". Tjarks said
4 telling the student that doing things one did not want to do was part of growing
5 up and that her harsh words elicited positive results. Tjarks regularly
6 communicated with the student's mother regarding issues the student had in
7 class and the mother was aware of Tjarks' cursing with her son at select
8 moments. Tjarks believed someone who did not have a close, working
9 relationship with the student might perceived her language choices as offensive.
10 On March 15, 2021, the HOC terminated Tjarks' employment.

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12 ////
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14 IT IS SO STIPULATED:

15 	01/24/21
16 _____ Nicole L. Tjarks	_____ Date
17 	01/28/2022
18 _____ Trent Danowski, Deputy Director	_____ Date
19 Teacher Standards and Practices Commission	

21
22 **CONCLUSION OF LAW**

23 Tjarks' conduct described in section three (3) above constitutes gross neglect of
24 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR
25 584-020-0010(1) (*Recognize the worth and dignity of all persons and respect for each*
26 *individual*), OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-
27 0025(2)(e) (*Using district lawful and reasonable rules and regulations*) and OAR 584-
28 020-0030(2)(b) (*Skill in communicating with administrators, students, staff, parents,*
29 *and other patrons*); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-
30 0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and*
31 *conversations at all times*).

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

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ORDER


The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes Public Reprimand upon Nicole L. Tjarks' Oregon educator license.

Furthermore, the Commission imposes a period of two (2) years of probation upon Tjarks' licensure to commence from the date the order is signed by the Commission and subject to the following conditions:

1. Tjarks shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.
2. Tjarks shall successfully complete a Commission approved training course on communication skills for teachers within one (1) year of the adoption of this final order and provide evidence to the Commission of such training.

Issued and dated this 7 day of February, 2022.

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

By  _____

Dr. Anthony Rosilez, Executive Director