## 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 PUBLIC 5 NICOLE L. TJARKS REPRIMAND AND PROBATION 6 7 On March 18, 2021, the Teacher Standards and Practices Commission 8 (Commission) received information from the Oregon Department of Human Services 9 indicating possible professional misconduct on the part of licensed educator, Nicole L. 10 Tjarks (Tjarks). 11 After review of the matters alleged, Tjarks and the Commission agree that their 12 respective interests, together with the public interest, are best served by a stipulation to 13 certain facts and the imposition of a public reprimand, and a two (2) year period of 14 probation. 15 This Order sets forth the facts upon which the parties have agreed and the 16 sanction to be imposed. Tjarks 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, Tjarks 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, Tjarks acknowledges, understands, stipulates, and agrees to the 21 following: (i) she has been fully advised of her rights to notice and a hearing to contest 22 the findings of fact, conclusions of law, and order set forth below, and fully and finally 23 waives all such rights and any rights to appeal or otherwise challenge this Stipulation of 24 Facts and Final Order of Public Reprimand and Probation (Stipulation and Final Order); 25 (ii) this Stipulation and Final Order is a public document and disclosed to the public 26 upon request by the Commission; (iii) this Stipulation and Final Order is contingent 27 upon and subject to approval and adoption by the Commission. If the Commission does 28 not approve and adopt this Stipulation and Final Order, then neither Tjarks nor the 29 Commission are bound by the terms herein; (iv) she has fully read this Stipulation and 30 Final Order, and understands it completely; (v) she voluntarily, without any force or 31 duress, enters into this Stipulation and Final Order and consents to issuance and entry of 32 the Stipulated Final Order below; (vi) she states that no promise or representation has 33 been made to induce him to sign this Stipulation and Final Order; and (vii) she has 34 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

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1 2		ney prior to entering into this Stipulation and Final Order and issuance and entry of tipulated Final Order below.
3 4		STIPULATION OF FACTS
5 6 7 8 9	1.	The Commission has licensed Tjarks since May 17, 2016. Tjarks holds a Preliminary Teaching License, with an endorsement in English Language Arts (PK-12), valid from November 17, 2020, through November 16, 2023. During all relevant times, Tjarks was employed by the Heart of Oregon Corps School (HOC).
10 11 12 13 14 15	2.	On March 8, 2021, the Commission received information from the Oregon Department of Human Services (DHS) indicating Tjarks may have committed acts which constitute gross neglect of duty and/or gross unfitness. Specifically, DHS reported in February 2021, Tjarks was alleged to have caused mental injury to a student by yelling at and directing inappropriate comments containing profanity at a student.
17 18 19 20 21 22 23	3.	Investigation determined that in October 2020, and November 2020, Tjarks was given verbal warnings regarding cursing and threatening comments to Corps students. On December 10, 2020, the HOC gave Tjarks a written warning for cursing and making threatening remarks to students in the classroom. On January 27, 2021, Tjarks agreed to a performance improvement plan to correct the behavior.
24 25 26 27 28 29 30 31 32	4.	Investigation determined that during the 2020-2021 school year, Tjarks worked closely with a 17-year-old student assigned to her classroom approximately 40 hours per week. The student expected frequent attention and Tjarks and staff provided constant, positive support. When the student believed he was not being supported, he would engage in negative self-talk and the student's schoolwork suffered. When the positive approach was ineffective with the student, Tjarks would occasionally turn to "tough love". Tjarks reported this approach resulted in improved work and completion of assignments by the student.
33 34		On February 25, 2021, Tjarks spent approximately one hour working one-on-one 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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14	IT IS SO STIPULATED:
15	17 2 01/24/21
16 17	Nicole L. Tjarks Date
18	di & Vanour/ 01/28/2022
19	Trent Danowski, Deputy Director Date
20	Teacher Standards and Practices Commission
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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)(0) 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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1		ORDER
2		The Commission adopts and incorporates herein the above findings of fact and
3	conclu	sions of law, and based thereon, imposes Public Reprimand upon Nicole L. Tjarks'
4	Orego	n educator license.
5		Furthermore, the Commission imposes a period of two (2) years of probation
6	upon '	Tjarks' licensure to commence from the date the order is signed by the Commission
7	and su	bject to the following conditions:
8	1.	Tjarks shall comply with the Standards for Competent and Ethical Performance
9		of Oregon Educators under Oregon Administrative Rules Chapter 584, Division
10		020.
11	2.	Tjarks shall successfully complete a Commission approved training course on
2		communication skills for teachers within one (1) year of the adoption of this final
13		order and provide evidence to the Commission of such training.
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15		Issued and dated this day of February, 2022.
16		TEACHER STANDARDS AND PRACTICES COMMISSION
17		STATE OF OREGON
18		
19		By / Over
20		Dr. Anthony Rosilez, Executive Director