1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON 2 3 STIPULATION OF FACTS, In the Matter of the Teaching License of) AND FINAL ORDER 5 RUTH ELLEN GELBRICH OF REPRIMAND 6 On March 22, 2007, the Teacher Standards and Practices Commission (Commission) 7 received a complaint that Licensee Ruth Ellen Gelbrich (Gelbrich) had violated Commission 8 standards during a contested special education due process hearing 9 Gelbrich fully cooperated with the Commission's investigation in this matter. After review 10 of the matters alleged, Gelbrich and the Commission agree that their respective interests, 11 together with the public interest, are best served by a stipulation to certain facts and the 12 imposition of a public reprimand. 13 This document sets forth the facts upon which the parties have agreed and the 14 stipulated sanction to be imposed. Gelbrich stipulates that there is sufficient evidence in the 15 Commission's files and records to support the findings of fact, conclusions of law, and order set forth below. 16 17 By signing below, Gelbrich acknowledges, understands, stipulates, and agrees to the 18 following: (i) she has been fully advised of her rights to notice and a hearing to contest the 19 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all 20 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final 21 Order of Reprimand (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public 22 document and disclosed to the public upon request by the Commission; (iii) this Stipulation and 23 Final Order is contingent upon and subject to approval and adoption by the Commission. If the 24 Commission does not approve and adopt this Stipulation and Final Order, then neither Gelbrich 25 nor the Commission are bound by the terms herein; (iv) she has fully read this Stipulation and 26 Final Order, and understands it completely; (v) she voluntarily, without any force or duress, 27 enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated

- 1 Final Order below; (vi) she states that no promises or representation has been made to induce
- 2 her to sign this Stipulation and Final Order; and (vii) she has consulted with an attorney
- 3 regarding this Stipulation and Final Order and has been fully advised with regard to her rights
- 4 thereto, or waives any and all rights to consult with an attorney prior to entering into this
- 5 Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

6 STIPULATION OF FACTS

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- 1. The Commission has licensed Ruth Ellen Gelbrich since October 14, 1985. Gelbrich currently holds a Standard Administrator License valid November 19, 2005, through November 18, 2010, with a Standard Administrator endorsement.
- 2. Gelbrich is employed with the Salem-Keizer School District as the District Student
 Services Director. Gelbrich has no previous disciplinary issues.
 - 3. In August 2007 Gelbrich attended, as her district's representative, a due process hearing regarding a student's individualized educational program (IEP). At all times during that hearing the district was formally represented by its attorney.
 - 4. During hearing proceedings a college faculty member, who was called as a telephonic witness, gave derogatory testimony regarding the preparation and performance of district professional staff members.
 - 5. With the intention of consulting with the district's legal representative, Gelbrich composed an e-mail message to the witness, and the witness's supervisors noting the irony of his criticism of district professional staff the training of whom he, as a faculty member, had overseen. Gelbrich was unfamiliar with her recently acquired laptop computer and has told the Commission that she inadvertently transmitted the message before the witness had completed his testimony.
 - 6. When Gelbrich discovered that the message had been transmitted she immediately left the hearing and unsuccessfully sought the assistance of district technicians to halt transmittal of the message.

1	7. The witness received the e-mail message before he was excused as a witness and
2	immediately brought the message to the attention of the hearings officer who regarded the
3	message as disruptive of the hearing. Upon learning that the message had been viewed by the
4	witness Gelbrich immediately apologized.
5	IT IS SO STIPULATED AND AGREED TO:
6 7 8	Ruth Ellen Gelbrich Date
9 10 11 12 13	Victoria Chambertain, Executive Director Teacher Standards and Practices Commission 1-22-08 Date an rectal 11-3-08
14	CONCLUSIONS OF LAW
15	The foregoing described conduct is deemed by the Commission to have constituted
16	gross neglect of duty in violation of OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-
17	0035(2)(b), Conduct professional business, including grievances, through established lawful
18	and reasonable procedures. The commission has authority to impose discipline in this matter
19	under ORS 342.120 through 342.430 and OAR Chapter 584.
20	FINAL ORDER
21	The Commission hereby adopts and incorporates herein the above findings of fact,
22	conclusions of law, and based thereon hereby imposes a Public Reprimand upon Ms. Gelbrich.
23	The Stipulation of Facts, Final Order constitutes the Reprimand.
24	Issued and dated this 23 rd day of Octobe r, 2009
25 26	TEACHER STANDARDS AND PRACTICES COMMISSION STATE OF OREGON
27 28 29 30	By Manuelain Victoria Chamberlain, Executive Director [082008]
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