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BEFORE THE TEACHERS STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

In the Matter of the) STIPULATION OF FACTS AND
Educator License of) FINAL ORDER OF PUBLIC
DIANA E. LUCAS) REPRIMAND AND PROBATION

On February 3, 2016, the Teacher Standards and Practices Commission (Commission) received a district report alleging Diana Lucas (Lucas) may have engaged in professional misconduct when she misplaced confidential student material in violation of the Family Educational Rights and Privacy Act (FERPA) and district policy.

On March 15, 2017, the Commission received a district report alleging Lucas had violated professional standards and local policy related to classroom management and improper student restraints.

After review of the matters alleged, Lucas and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, the imposition of a Public Reprimand, and a period of probation.

This Order sets forth the facts upon which the parties have agreed and the sanction to be imposed. Lucas stipulates that there are sufficient facts contained in the Commission’s files and records to support the findings of fact and conclusions of law set forth below. In entering into this stipulation, Lucas waives the right to a hearing to contest the findings of fact, conclusions of law and order set forth below.

By signing below, Lucas acknowledges, understands, stipulates, and agrees to the following: (i) she has been fully advised of her rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Public Reprimand and Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Lucas nor the Commission are bound by the terms herein; (iv) she has fully read this Stipulation and Final Order, and understands it completely; (v) she voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below; (vi) she states that no promise or representation has been made to induce her to sign this Stipulation and Final Order; and (vii) she has

1 consulted with an attorney regarding this Stipulation and Final Order and has been fully
2 advised with regard to her rights thereto, or waives any and all rights to consult with an
3 attorney prior to entering into this Stipulation and Final Order and issuance and entry of
4 the Stipulated Final Order below.

5 **STIPULATION OF FACTS**

- 6 1. The Commission has licensed Lucas since May 7, 1998. Lucas's Professional
7 Teaching License, with an endorsement in Special Education: Generalist (PK-12),
8 is valid from November 17, 2017, through February 12, 2023. During all relevant
9 times, Lucas was employed by the Beaverton School District (BSD).
- 10 2. On February 3, 2016, the Commission received a district report alleging Lucas
11 errantly and negligently, left materials containing confidential student special
12 education information at a public restaurant. After Lucas left the building,
13 restaurant staff located, reviewed, and then contacted the student's family to
14 report the finding of the documents. The District determined this to be a violation
15 of the Family Educational Rights and Privacy Act (FERPA) and district policy and
16 on January 27, 2016, issued Lucas a Letter of Reprimand for policy violations
17 related to her conduct. Lucas did not intend for the materials to be viewed by
18 anyone else; she inadvertently and mistakenly left them on the table where she
19 had been sitting.
- 20 3. On March 15, 2017, the Commission received a district report alleging Lucas had
21 violated professional standards and local policy related to classroom
22 management and improper student restraints. Commission investigation
23 determined that Lucas, on one occasion, failed to follow approved Oregon
24 Intervention System (OIS) training and district policy on student intervention,
25 physical force, restraints, reporting and debriefing, by failing to file the proper
26 report and debrief after she used protective physical intervention to push away a
27 student, who was known to inappropriately touch students and staff members
28 private areas, and had lunged for Lucas' genital area. On March 6, 2017, the
29 district issued Lucas a letter of reprimand with a five day suspension without pay
30 related to her conduct.

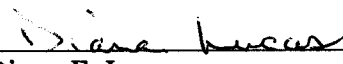
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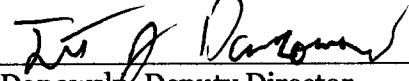
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1 IT IS SO STIPULATED:

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3 
4 Diana E. Lucas

6/4/2018
Date

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6 
7 Trent Danowski, Deputy Director
8 Teacher Standards and Practices Commission

6/14/2018
Date

9

10 **CONCLUSION OF LAW**

11 The conduct described in section two above constitutes gross neglect of duty in
12 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-
13 020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(c) (*Using and*
14 *maintaining student records as required by federal and state law and district policies*
15 *and procedures*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules*
16 *and regulations*); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-
17 0035(1)(a) (*Keep the confidence entrusted in the profession as it relates to confidential*
18 *information concerning a student and the student's family*).

19

20 The conduct described in section three above constitutes gross neglect of duty in
21 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-
22 020-0010(5) (*Use professional judgment*); and OAR 584-020-0025(2)(e) (*Using district*
23 *lawful and reasonable rules and regulations*).

24

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

27

28 **ORDER**

29 The Commission adopts and incorporates herein the above findings of fact and
30 conclusions of law, and based thereon, imposes a Public Reprimand on Diana. Lucas'
31 Oregon educator license.

32 Furthermore, the Commission imposes a two (2) year period of probation upon
33 Lucas's licensure to commence from the date this order is signed and subject to the
34 following conditions:

- 35 1. Lucas shall comply with the Standards for Competent and Ethical Performance of
36 Oregon Educators under Oregon Administrative Rules Chapter 584, Division


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020.

2. The Commission requires Lucas to complete Commission approved training related to OIS restraints and submit proof of completion prior to the termination of her probationary period.

Issued and dated this 20 day of June, 2018.

TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON

By  _____

Dr. Anthony Rosilez, Executive Director