1 2 2	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
3 4 5 6 7	In the Matter of the Educator License of) NELLIE HRISTOVA MCLEAN DEFAULT ORDER OF REVOCATION OF RIGHT TO APPLY FOR AN EDUCATOR LICENSE
8 9	On September 12, 2012, the Teacher Standards and Practices Commission
10	(Commission) issued a Notice of Opportunity for Hearing to Nellie Hristova McLean
11	(McLean) in which the Commission charged her with Gross Neglect of Duty. The Notice was
12	sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7011 2000 0001 1292 0295 to
13	the address on file with the Commission. The Notice designated the Commission file as the
14	record for purposes of proving a prima facie case. The Certified Mail receipt was returned,
15	signed by Ms. McLean, to the Commission on September 26, 2012. The regular mail was not
16	returned to the Commission. The Notice of Opportunity of Hearing, dated September 12,
17	2012, and signed by Victoria Chamberlain, Executive Director, stated:
18 19 20 21 22 23 24 25	"IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
26	On October 3, 2012, McLean requested a hearing. On April 12, 2013, the Commission filed a
27	hearing request with the Office of Administrative Hearings. On May 31, 2013, parties
28	participated in a prehearing conference. McLean was provided discovery materials. A
29	contested case hearing was set for September 13, 2013, at 9:00 a.m. at the OAH office in
30	Tualatin Oregon. Ms. McLean failed to appear at this hearing.
31	Based on Ms. McLean's failure to appear at the hearing, the Commission finds her in default
32	and enters the following order based on the records and files of the Commission in this
33	matter.
34	
35	FINDINGS OF FACT
36	1. Nellie Hristova McLean has been licensed as a teacher in Oregon since August 31, 2006.
37	McLean's Initial II Teaching License, with endorsements in ESOL (ML/HS), Language

1 Arts (HS) and Special Education (ML/HS), was issued on December 3, 2009, and
2 expired on December 2, 2012. McLean did not make application for renewal. During all
3 relevant times, McLean was employed by the Myrtle Point School District.

2. On March 10, 2011, two of McLean's teaching assistants reported to the school Principal that McLean was demonstrating unethical behaviors in the classroom. An investigation was conducted and determined that McLean provided students with answers to tests, inappropriately allowed students to take tests in groups, and on several occasions, McLean improperly helped students draft essays and/or wrote portions of the student's essay or report herself. On one occasion, McLean directed one of her teaching assistants to write an essay/report for a student, which the assistant refused to do. During an interview with a TSPC investigator, McLean stated, "I can't deny it, I did help my kids on their test and I regret doing that. I had to help them because they lacked motivation; they would have preferred to drop out than learn. I did, I gave them the answers. I acted on emotions then rationalization".

3. On September 13, 2013, a contested case hearing on the matter was convened. Ms. McLean failed to appear. She received notice of the hearing from the Office of Administrative Hearings, and from the Department of Justice when exhibits were submitted.

21 22

CONCLUSIONS OF LAW

McLean's conduct described in section two (2) constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-0015(2)(e) (Skill in the selection and use of teaching techniques conducive to student learning), OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and regulations); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty).

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

1 FINAL ORDER The Commission hereby revokes Nellie Hristova McLean's Right to Apply for an 2 3 Educator license. IT IS SO ORDERED THIS 19th day of September, 2013. 4 5 TEACHER STANDARDS AND PRACTICES COMMISSION 6 Victoria Chamberlain, Executive Director 7 8 9 NOTICE OF APPEAL OR RIGHTS 10 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW 11 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM 12 13 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE 14 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Nellie McLean 2769 Elk Lane Grants Pass, OR 97527-9114

Dated this $\frac{19+\frac{1}{2}}{1}$ day of September, 2013.

Patty Vaddell

Investigative Assistant

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