

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2 OF THE STATE OF OREGON

3
4 In the Matter of the) DEFAULT ORDER OF DENIAL
5 Teaching License of) OF TEACHING LICENSE
6 COLLEEN KATHRYN KENNEDY)

7 On July 30, 2007, the Teacher Standards and Practices Commission (Commission)
8 issued a Notice of Opportunity for Hearing to Colleen Kathryn Kennedy (Kennedy) in which the
9 Commission denied licensure based on ORS 342.143(2). The Notice was sent via U.S. First
10 Class Mail and U.S. Certified Mail Receipt 7006 0810 0001 4602 1831 to the address Ms.
11 Kennedy provided to the Commission. The certified mail receipt was signed by the educator
12 and returned to the Commission on August 6, 2007. The Notice of Opportunity of Hearing,
13 dated July 30, 2007, and signed by Victoria Chamberlain, Executive Director, stated:

14 "You, Colleen Kathryn Kennedy, are entitled to a hearing on the proposed action
15 of the Commission. If you want a hearing, you must file a written request for a
16 hearing with the Commission within 21 days of the date of this notice. Attached
17 to this notice is a copy of the procedures, right of representation and other rights
18 of parties relating to the conduct of a hearing as required under ORS
19 183.413(2)."

20
21 Ms. Kennedy did not request a hearing. The Commission, therefore, finds Ms. Kennedy
22 to be in default and enters the following findings of fact, conclusions of law and order, based on
23 the files and records of the Commission concerning this matter.

24 **FINDINGS OF FACT**

25 1. On or about January 26, 2007, Ms. Kennedy signed and submitted an Application for
26 Educator License Form C-1 upon which she responded "no" to all character questions.
27 Specifically Ms. Kennedy answered "no" to Character question 3, "Have you ever failed to
28 complete a contract for educational services in any educational or school-related position, or for
29 any alleged misconduct or alleged violation of professional standards of conduct been placed on
30 leave by your employer or left such employment prior to the end of the contract term?" Ms.

1 Kennedy's response was false. Ms. Kennedy was placed on administrative leave from
2 December 5 to December 13, 2002, and she was suspended for four days while she was
3 employed by Arlington, Washington public schools. Ms. Kennedy was placed on administrative
4 leave and received a four-day suspension as the result of an incident involving her hitting and
5 kicking a student in her classroom.

6 2. On or about January 26, 2007, Ms. Kennedy signed and submitted an Application for
7 Educator License Form C-1 upon which she responded "no" to all character questions.
8 Specifically Ms. Kennedy answered "no" to Character question 4, "Have you ever had a
9 professional certificate, credential or license (of any kind) revoked or suspended or have you
10 been placed on probationary status for any alleged misconduct or alleged violation of
11 professional standards of conduct?" Ms. Kennedy's response was false. On May 9, 2005, the
12 Washington Superintendent of Public Education suspended Ms. Kennedy's teaching certificate
13 for six months as a result of the incident identified above.

14 3. On or about January 26, 2007, Ms. Kennedy signed and submitted an Application for
15 Educator License Form C-1 upon which she responded "no" to all character questions.
16 Specifically Ms. Kennedy answered "no" to Character question 7, "Have you ever been
17 disciplined by any public agency responsible for licensure of any kind, including but not limited
18 to educational licensure?" Ms. Kennedy's response was false. On May 9, 2005, the
19 Washington Superintendent of Public Education suspended Ms. Kennedy's teaching certificate
20 for six months as a result of the incident identified above.

21 4. Each of Ms. Kennedy's responses provides independent grounds for denial of her
22 license application under ORS 342,143(2), which provides that the Commission may deny a
23 license application if it fails to show evidence satisfactory to the commission of good moral

1 character, mental and physical health, and such other evidence as it may deem necessary to
2 establish the applicant's fitness to serve as a teacher.

3 5. Each of Ms. Kennedy's responses provides independent grounds for denial of her
4 license application under OAR 584-050-0006(2)(a), which provides that a license application
5 may be denied if the applicant submits a falsified application.

6 6. Each of Ms. Kennedy's responses provides independent grounds for denial of her
7 license application under OAR 584-050-0006(2)(e), which provides that a license application
8 may be denied if the Executive Director has evidence that the applicant may lack fitness to
9 serve as an educator.

10 7. Each of Ms. Kennedy's responses violated OAR 584-020-0040(4)(c), which provides
11 as follows "Knowing falsification of any documents or knowing misrepresentation directly related
12 to licensure, employment, or professional duties," constitutes gross neglect of duty and is a
13 basis for denial of licensure, as it is incorporated in ORS 342.143, "good moral character."

14 8. Each of Ms. Kennedy's responses violated OAR 584-020-0040(5)(a), which provides
15 as follows: "Revocation, suspension or denial of license by another state for reasons and
16 through procedures that are the same as, or substantially equivalent to, those permitting similar
17 action in Oregon," constitute gross unfitness and is a basis for denial of licensure, , as it is
18 incorporated in ORS 342.143, "good moral character."

19 **CONCLUSIONS OF LAW**

20 Pursuant to OAR 584-050-0006(2)(a), "The applicant submits a falsified application" and
21 OAR 584-020-0040(4)(c), "Knowing falsification of any documents or knowing misrepresentation
22 directly related to licensure, employment, or professional duties," constitutes gross neglect of
23 duty and is a basis for denial of licensure, as it is incorporated in ORS 342.143, "good moral

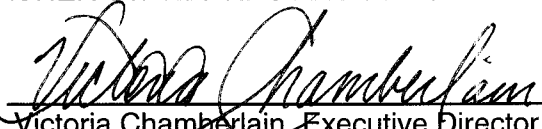
1 character." Pursuant to OAR 584-050-0006(2)(e) and ORS 342.143(2) the Executive Director
2 may deny issuance of a license based upon evidence that the applicant may lack fitness to
3 serve as an educator. The Commission's authority to impose discipline in this matter is based
4 upon ORS 342.175.

5 **ORDER**

6 The Commission hereby denies the application of Colleen Kathryn Kennedy for an
7 Oregon Teaching License.

8 IT IS SO ORDERED this 5th day of November, 2007.

9 TEACHER STANDARDS AND PRACTICES COMMISSION

10 By: 
11 Victoria Chamberlain, Executive Director
12

13 NOTICE OF APPEAL OR RIGHTS

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15
16 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
17 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE
18 OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS
19 183.482 TO THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

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

Colleen Kathryn Kennedy
354 N. 6th Street
St. Helens OR 97051

Dated this 17th day of December 2007.

By: Melody Hanson
Melody Hanson, Executive Assistant