

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2 STATE OF OREGON

3 In the Matter of the
4 Teaching License of

5 YVONNE MARTIN-GELISSEN

FINAL ORDER ON
RECONSIDERATION

6 On October 5, 1998, the Teacher Standards and Practices Commission (Commission)
7 issued a Notice of Opportunity for Hearing which proposed to suspend or revoke the Oregon
8 Teaching License of Yvonne Martin-Gelissen or otherwise to impose discipline under
9 ORS 342.177. Ms. Martin-Gelissen requested a hearing. Subsequent to the hearing request,
10 additional information came to the attention of the Commission concerning Ms. Martin-
11 Gelissen's fitness to hold a teaching license, and, based on this information, the Notice of
12 Hearing was amended several times. On May 13, 1999, the Commission issued a Fourth
13 Amended Notice of Hearing (the notice). The Commission held a hearing on the allegations in
14 the notice on August 4 and 5, 1999. The hearing was held before a panel of three
15 Commissioners, Paul Meyer, Charles J. Sharps and Cathy Gwinn. Mr. Meyer served as
16 Chairman of the panel. Ms. Martin-Gelissen appeared personally and represented herself. The
17 Commission was represented by Assistant Attorney General Joe Gordon McKeever. The
18 hearing was conducted as a contested case hearing and was mechanically tape-recorded.

19 The panel received 66 exhibits that were offered into evidence by the Commission,
20 including exhibit numbers 1 to 58, 60, 62, 63 and 65 to 69.

21 Ms. Martin-Gelissen offered 69 exhibits into evidence. The panel admitted 64 of those
22 exhibits into evidence, including exhibits numbers 101 to 111, 113 to 117 and 122 to 169. The
23 panel refused to admit the following exhibits: a Circuit Court Complaint filed by Romeo and
24 Nicka Fabia against Dwayne Overholser, the former principal at Open Bible Christian School;
25 hand written notes dated January 27, 1995, February 6, 1995, and February 8, 1995, relating to
26 allegations that Mr. Overholser had sexually harassed a female staff member at Open Bible

1 Christian School; handwritten notes and responses to questions concerning what action should be
2 taken in response to sexual harassment claims against Mr. Overholser. The lawsuit filed against
3 Mr. Overholser and the claims of sexual harassment are not relevant to the allegations contained
4 in the notice, and these exhibits are therefore excluded.

5 The panel heard testimony from the following witnesses called by the Commission:

6 David V. Myton, Executive Director, Teacher Standards and Practices Commission
7 Wade Witherspoon, former principal at Open Bible Christian School
8 Marilyn Weik, former teacher at Open Bible Christian School
9 Craig Prough, Principal at Sheridan High School
10 Judith Kirkham, Teacher at Sheridan High School
11 James Salter, Teacher at Sheridan High School
12 Pamela Wertz, Office Administrator at Sheridan School District
13 Michael Higginson, Head Custodian at Sheridan High School
14 Gary Meyer, former teacher at Sheridan High School
15 Yvonne Martin-Gelissen
16 Hiedi Hermansen, former teacher at Sheridan High School
17 Dianne Scribner-Fraser, Teacher at Talmage Middle School, Central School District
18 Dana Andrews, Teacher at Talmage Middle School, Central School District
19 Richard Schoen (via telephone), Sales Manager at A-1 Sales and Service
20 Larry Byers, Principal at Chemawa Indian School

21 The panel called Darrell Martin as a witness and heard testimony from Mr. Martin.

22 Ms. Martin-Gelissen presented testimony on her own behalf.

23 On September 17, 1999, the Commission adopted the proposed order of the panel and
24 served it final order revoking Yvonne Martin-Gelissen's Oregon Teaching License. Ms. Martin-
25 Gelissen subsequently sought judicial review in the Oregon Court of Appeals. On January 11,
26 2001, the Commission withdrew that final order for reconsideration and filed notice of that
27 withdrawal in the Court of Appeals. The Commission has reconsidered the final order and now
28 issues this Final Order on Reconsideration.

29 EVIDENTIARY RULINGS

30 At the commencement of the hearing, the panel considered the following matters:

31 1. The panel denied a request that Ms. Martin-Gelissen's husband, Darrell Martin, be
32 allowed to serve as her representative during the hearing. Mr. Martin is not an attorney. Natural
33 persons who are parties in a contested case hearing may only represent themselves or choose to

1 be represented by counsel. ORS 183.457 allows representation by an authorized representative
2 under some circumstances, but only for parties that are a corporation, partnership or association.
3 Even if ORS 183.467 could be interpreted to allow individual persons to be represented by an
4 authorized representative, the Commission has not adopted a rule permitting authorized
5 representatives in Commission disciplinary hearings, as required by ORS 183.457(2)(b). In
6 addition, the panel concludes, based on Mr. Martin's behavior at the hearing, that allowing him
7 to serve as an authorized representative would hinder the orderly and timely development of the
8 record in this case. ORS 183.457(2)(a).

9 2. Ms. Martin-Gelissen's former attorneys filed a Motion to Dismiss some of the
10 charges. The motion raised the argument that the allegations in the notice did not contain all of
11 the elements listed in the applicable Commission rules that define professional standards and
12 professional misconduct. This motion was denied because the notice adequately identifies the
13 specific administrative rule applicable to each allegation in the notice, and the allegations in the
14 notice contained a sufficient statement of the matters asserted and the charges against
15 Ms. Martin-Gelissen. The notice satisfied the requirements of ORS 183.415 for a "short and
16 plain statement of the matters asserted or charged."

17 3. Ms. Martin-Gelissen's former attorneys also moved to dismiss those charges alleging
18 gross neglect of duty and incompetency as the charges related to Ms Martin-Gelissen's
19 performance as a student teacher and as a teacher in a private school prior to the time she was
20 issued a teaching license in 1995. The panel has considered only Ms. Martin-Gelissen's teaching
21 performance after she obtained her teaching license for purposes of determining whether she
22 failed to demonstrate competency as required under OAR 584-020-0020(2)(d) and 584-020-
23 0025(1) and (2)(a). However, the panel will also consider evidence of Ms. Martin-Gelissen's
24 performance as a student teacher at Talmage Middle School and as an unlicensed teacher at
25 Open Bible Christian School for purposes of determining whether Ms. Martin-Gelissen's
26 problems as a licensed teacher were isolated occurrences or part of a continuing pattern, for

1 purposes of determining whether there is a likelihood of recurrence of these problems and for
2 purposes of determining whether there is a likelihood that Ms. Martin-Gelissen's teaching
3 liabilities can be corrected through a plan of remediation.

4 4. Ms. Martin-Gelissen filed a pre-hearing Motion to Dismiss on the ground that another
5 court case filed by Ms. Martin-Gelissen against the Sheridan School District is pending, citing
6 ORCP rule 21A(3). The panel denied this motion. The Oregon Rules of Civil Procedure do not
7 apply to contested cases under ORS Chapter 183. Moreover, this licensing proceeding under
8 ORS Chapter 342 does not deal with the same issues as those raised in the lawsuit recently filed
9 against the Sheridan School District by Ms. Martin-Gelissen.

10 5. Ms. Martin-Gelissen filed a Motion to Dismiss on the ground that the issues raised in
11 the notice went beyond those contained in the original complaint filed with the Commission.
12 The motion was denied. The Commission may bring a disciplinary proceeding based on a
13 complaint "or information that a person has violated ORS 342.143 or 342.175." ORS 342.177.
14 The Commission may take action based on either a complaint or other information the
15 Commission receives.

16 6. Ms. Martin-Gelissen also filed a pre-hearing Motion to Dismiss on the grounds the
17 notice contained citations to incorrect administrative rules. Based on a review of the notice and
18 the applicable rules, the panel concluded motion was not well taken and was therefore denied.

19 **ISSUES PRESENTED**

20 The notice presents four general categories of charges:

21 1. Allegations that Ms. Martin-Gelissen failed to demonstrate competency in the
22 supervision and discipline of students while employed as a teacher at Sheridan School District in
23 1996-97 and at Chemawa Indian School in September and October 1998.

24 2. Allegations that while employed as a teacher at Sheridan High School, Ms. Martin-
25 Gelissen applied for and was awarded a grant on behalf of the Sheridan High School Science Club
26 without informing her supervisor or other officials of the school district, in violation of school

1 district policies; allegations that when questioned about the grant by her supervisor she denied and
2 refused to respond to questions concerning the grant; allegations that she violated requirements
3 under the Oregon Ethics Law by failing to disclose a conflict of interest in connection with the
4 grant application; and allegations that she charged equipment to a Sheridan School District
5 account in connection with the grant without receiving prior authorization from the school district
6 in violation of district policies.

7 3. Allegations that Ms. Martin-Gelissen made false statements in employment
8 applications she filed with the Sheridan School District, Silver Falls School District and the
9 Estacada School District.

10 4. Allegations that Ms. Martin-Gelissen failed to work effectively and cooperatively
11 with staff while employed as a teacher at the Sheridan School District by failing to follow
12 reasonable procedures for the purchase of supplies, by failing to follow reasonable procedures in
13 the use of computer equipment, by using tools and equipment assigned to other staff members
14 without the permission of those staff members, by making misrepresentations to school officials
15 about whether she had permission to use tools and equipment, and by obtaining the written
16 performance evaluation of a teaching colleague and disclosing the written evaluation to the
17 Teacher Standards and Practices Commission without the consent or permission of her
18 colleague.

19 FINDINGS OF FACT

20 COMPETENCY

21 1. Ms. Martin-Gelissen holds a Basic Oregon Teaching License with an endorsement in
22 integrated science. The license was issued in June 1996.

23 2. Ms. Martin-Gelissen attended an approved teacher preparation program at Oregon State
24 University (OSU) from 1986 to 1988.

25 3. In the fall of 1988, Ms. Martin-Gelissen was placed in a practicum program at Talmage
26 Middle School in the Polk County Central School District and was placed under the supervision

1 of Dianne Scribner-Fraser and Dana Andrews. Ms. Scribner-Fraser and Mr. Andrews are both
2 experienced science teachers who have regularly supervised students in practicum programs for
3 the past 20 years.

4 4. While at Talmage Middle School, Ms. Martin-Gelissen was unable to perform
5 satisfactorily in managing students in the classroom, in organizing the materials to be presented,
6 in preparing lesson plans, in her knowledge of the subject matter and her ability to convey the
7 subject matter to students.

8 Ms. Scribner-Fraser and Mr. Andrews spent extra time to attempt to assist Ms. Martin-
9 Gelissen but she still did not make adequate progress. By the mid-term, Ms. Scribner-Fraser and
10 Mr. Andrews ranked Ms. Martin-Gelissen as marginal in most areas. They recommended
11 Ms. Martin-Gelissen not be permitted to complete student teaching and that she be required to
12 undergo a program of remediation at OSU before being readmitted to student teaching. The
13 recommendations of Ms. Scribner-Fraser and Mr. Andrews received the concurrence of the
14 middle school principal and the OSU supervisor. Neither Ms. Scribner-Fraser nor Mr. Andrews
15 have recommended removal of a student from a teaching practicum before or since this incident.

16 5. The OSU School of Education removed Ms. Martin-Gelissen from the student
17 practicum program. Ms. Martin-Gelissen was directed to complete a program of remediation,
18 that included taking courses in science subject matter and in teaching preparation, in order to
19 qualify for readmission to a practicum. Rather than accept the recommendation and
20 requirements of the School of Education, Ms. Martin-Gelissen pursued various internal review
21 procedures through the university culminating in an appeal to the OSU President. Following
22 exhaustion of appeals within the university, Ms. Martin-Gelissen filed a lawsuit against OSU and
23 the Central School District, alleging that her supervision during student teaching had been
24 inadequate and contrary to various university and district policies. The lawsuit was subsequently
25 dismissed by the court.

26

1 6. Ms. Martin-Gelissen obtained a teaching job at the Open Bible Christian School for
2 the 1994-95 school year. This private school position did not require Ms. Martin-Gelissen to
3 hold a teaching license.

4 7. Marilyn Weik was a teacher at Open Bible Christian School. She and another teacher
5 served as interim co-principals for a period of about six weeks during the 1994-95 school year.
6 Ms. Weik frequently heard an alarming level of noise coming from Ms. Martin-Gelissen's
7 classroom. Ms. Weik met with Ms. Martin-Gelissen and attempted to give her advice and
8 direction in the area of discipline and classroom control. In the spring of 1995, Ms. Weik
9 observed a portion of Ms. Martin-Gelissen's classroom, and Ms. Weik noted a breakdown in
10 discipline and a chaotic classroom environment.

11 8. Wade Witherspoon became principal at Open Bible Christian School in March 1995.
12 On April 13, 1995, Mr. Witherspoon observed Ms. Martin-Gelissen's classroom. He observed
13 that Ms. Martin-Gelissen had serious problems with maintaining control of the classroom.
14 Students were not paying attention to the subject matter and were not showing respect for
15 Ms. Martin-Gelissen as a teacher. Mr. Witherspoon informed Ms. Martin-Gelissen of his
16 concerns about her performance as a teacher, but he did not see improvement in her performance
17 during the rest of the school year.

18 9. On May 5, 1995, Mr. Witherspoon informed Ms. Martin-Gelissen that her teaching
19 contract would not be renewed for the following school year. Mr. Witherspoon followed this up
20 with a letter dated May 10, in which he stated that his decision was based on a lack of good
21 judgment and discipline; inconsistencies in discipline; lack of rapport with students, parents and
22 staff; and lack of learning taking place in class.

23 10. Following the notice of non-renewal, Ms. Martin-Gelissen and her husband made a
24 number of accusations against staff of the school and threatened litigation. As a result, the Board
25 of Directors of the school placed Ms. Martin-Gelissen on a paid leave of absence status. Other
26 teachers were assigned to Ms. Martin-Gelissen's classes, and it then became apparent that very

1 little progress had been made under Ms. Martin-Gelissen's teaching in the textbook and assigned
2 curriculum for the classes.

3 11. In 1995, Ms. Martin-Gelissen was granted a substitute teaching license. During the
4 1995-96 school year, she secured a substantial number of substitutes teaching assignments. In
5 1996, she applied for a Basic Teaching License, and the Commission granted a license based on
6 her professional experience as a substitute teacher.

7 12. In September 1996, Ms. Martin-Gelissen secured a teaching position at Sheridan
8 High School as a science teacher. During the school year, Principal Craig Prough received
9 complaints from students and parents that very little learning was taking place in Ms. Martin
10 Gelissen's classes, that Ms. Martin-Gelissen's discipline methods were inconsistent and
11 ineffective and that Ms. Martin-Gelissen had made disparaging remarks to students. Ms. Martin-
12 Gelissen excluded an extraordinary number of students from her classes for disciplinary reasons.

13 13. Mr. Prough made a number of suggestions and attempted to instruct Ms. Martin-
14 Gelissen concerning discipline issues throughout the school year. Mr. Prough dropped in on
15 Ms. Martin Gelissen's classroom on several occasions, and he conducted two formal
16 observations of her classroom. He observed that students were not on task, that Ms. Martin-
17 Gelissen had difficulty conveying the instructional content to students and that the class was
18 generally not under control. Complaints from students, staff and parents to Mr. Prough
19 continued throughout the school year.

20 14. Heidi Hermanson was a teacher at Sheridan High School during the 1996-97 school
21 year, and her classroom adjoined that of Ms. Martin-Gelissen. Ms. Hermanson frequently heard
22 loud noises coming from Ms. Martin-Gelissen's classroom. On more than one occasion,
23 Ms. Martin-Gelissen asked Ms. Hermanson to come into Ms. Martin-Gelissen's classroom to get
24 the students under control.

25 15. James Salter was a teacher at Sheridan High School during the 1996-97 school year
26 and was the technology coordinator for the school as well as a special education teacher.

1 Mr. Salter observed that Ms. Martin-Gelissen had failed to make sufficient modifications in her
2 instruction for special education of students in her classroom, and she appeared not to realize the
3 need for modifications. Mr. Salter was present in Ms. Martin-Gelissen's classroom on several
4 occasions, and he observed the same problems with classroom management and discipline as
5 was observed by Mr. Prough and Ms. Hermansen. He testified students were out of their seats
6 and not on task, and that the classroom environment was not conducive to learning.

7 16. On about March 11, 1997, Mr. Prough informed Ms. Martin-Gelissen he would be
8 recommending non-renewal of her teaching contract for the following school year. Mr. Prough
9 informed Ms. Martin-Gelissen that his recommendation was based on continuing problems with
10 student discipline, an inconsistent student management system and continuing problems with
11 complying with building process and procedure. Following the notice of non-renewal,
12 Ms. Martin-Gelissen, with the assistance of her attorneys, negotiated a separation of employment
13 agreement dated March 18, 1997. Under this agreement, Ms. Martin-Gelissen resigned her
14 position with the district effective at the end of the school year, and Mr. Prough agreed to
15 withdraw his recommendation for non-renewal and to take all mention of non-renewal out of
16 Ms. Martin-Gelissen's personnel file.

17 17. In April 1998, Ms. Martin-Gelissen made complaints to the Commission that
18 Mr. Prough had forced her to sign the separation agreement and made further complaints about
19 Mr. Prough. In June 1999, Ms. Martin-Gelissen filed a lawsuit against the Sheridan School
20 District, alleging that the district had breached her employment contract.

21 18. In deciding not to renew Ms. Martin-Gelissen, Mr. Prough testified that he ruled out
22 alternatives, such as placing Ms. Martin-Gelissen on a plan of assistance, for the following
23 reasons: There had been no improvement during the school year, and in fact the situation had
24 become worse; Ms. Martin-Gelissen did not appear to have the ability to develop rapport with
25 students; she had antagonized both promising students and students who had difficulty with
26 school; Ms. Martin-Gelissen had difficulty taking direction; and Ms. Martin-Gelissen's

1 relationship with other staff members was poor and she was unlikely to form a positive
2 mentoring relationship, with other teachers.

3 19. In the fall of 1998, Ms. Martin-Gelissen was hired as an intermittent substitute
4 teacher at the Chemawa Indian School. She was essentially on call every day. Ms. Martin-
5 Gelissen was initially assigned to an English class on September 16 and on October 6 she was
6 transferred to a mathematics class.

7 20. Larry Byers, Principal at Chemawa Indian School, observed that Ms. Martin-
8 Gelissen's classes were out of control. Students were wandering in and out of class at will.
9 There was a great deal of noise coming out of Ms. Martin-Gelissen's classroom and students
10 were not paying attention to Ms. Martin-Gelissen or affording her respect. Mr. Byers received
11 complaints from teachers and from the attendance officer that students were out of control in
12 Ms. Martin-Gelissen's classroom. Mr. Byers received complaints from custodial staff about the
13 condition of Ms. Martin-Gelissen's classroom with spit wads in the carpets and stuck to the
14 classroom walls, and Mr. Byers also observed these conditions.

15 21. Debbie LaCroix was head of the English Department at Chemawa. She was
16 responsible for assisting teachers with the English curriculum. She complained to Mr. Byers that
17 Ms. Martin-Gelissen had not been receptive to Ms. LaCroix's direction. Ms. Martin-Gelissen
18 told Mr. Byers that she did not want to take direction from Ms. LaCroix.

19 22. After three weeks, Mr. Byers transferred Ms. Martin-Gelissen to a math class
20 because it was more closely related to her area of knowledge and because it was a smaller class
21 than the English class. After a few days in the math class, Mr. Byers observed the same
22 problems with student discipline. On October 9, Mr. Byers informed Ms. Martin-Gelissen that
23 he was removing her from her position. Mr. Byers' decision was based on Ms. Martin-
24 Gelissen's inadequate job performance.

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1 23. Since her removal at Chemawa, Ms. Martin-Gelissen has filed a number of
2 complaints against the Chamawa Indian School, alleging, *inter alia* that Mr. Byers had promised
3 her the position in the mathematics department.

4 **WATERSHED GRANT**

5 24. While employed at the Sheridan School District, Ms. Martin-Gelissen established a
6 science club, which was a recognized school club. The science club met at the Sheridan High
7 School. On January 15, 1997, Ms. Martin-Gelissen filed an application for a grant with the
8 Oregon Governor's Watershed Enhancement Board on behalf of the Sheridan High School
9 Science Club. Ms. Martin-Gelissen did not inform her supervisor or any other official at the
10 Sheridan School District that she had applied for this grant on behalf of the school district.

11 25. Sheridan School Board policies require board approval of grant applications and
12 funding proposals made on behalf of the school district.

13 26. In 1996-97, the Sheridan School District had an active grant writing committee made
14 up of faculty members. This committee assisted and provided support for faculty members to
15 apply for grants. Committee activities were discussed frequently at faculty staff meetings.

16 27. On March 18, 1997, Ms. Martin-Gelissen was awarded a grant on behalf of the
17 Governor's Watershed Enhancement Board in the sum of \$6,766. The grant was awarded to the
18 Sheridan High School Science Club. Even at that late date, Ms. Martin-Gelissen did not inform
19 her supervisor or anyone at the school that the grant had been awarded.

20 28. The existence of the grant came to the attention of the school district in April 1997,
21 when it became known that Ms. Martin-Gelissen had sent letters to parents of selected students
22 offering to pay compensation of up to \$250 per student to participate in the watershed program
23 covered by the grant.

24 29. When confronted by Mr. Prough, Ms. Martin-Gelissen initially denied that the
25 money for the project had anything to do with a grant. In later meetings, she acknowledged she

1 had received grant monies for this purpose but she denied the grant was in any way connected to
2 the school.

3 30. The grant application provided for sums from the grant to be paid to a consulting
4 company owned by Ms. Martin-Gelissen's husband. Ms. Martin-Gelissen did not disclose this
5 fact to the Watershed Board or to the Sheridan School District, in violation of the Oregon Ethics
6 Law, ORS 244.120. On May 26, 1998, Ms. Martin-Gelissen signed a stipulated order with the
7 Oregon Government Standards and Practices Commission acknowledging she had failed to
8 disclose a conflict of interest in violation of ORS 244.120.

9 31. The school district informed the Governor's office it had not authorized the grant
10 application. As a result, the Governor's office rescinded the grant award. Following this,
11 Ms. Martin-Gelissen's husband sent a letter to selected parents stating the district had caused loss
12 of income and educational opportunities to Sheridan students. Ms. Martin-Gelissen supplied her
13 husband the names and addresses of the parents.

14 32. Ms. Martin-Gelissen and her husband purchased equipment in connection with the
15 grant from Onset Computer Corporation for \$1,319 and from A-1 Sales and Service for \$395 and
16 charged this equipment to a Sheridan School District account. In the case of the A-1 Sales and
17 Service purchase, Ms. Martin-Gelissen submitted a purchase order that appeared to be a purchase
18 order of the school district. Ms. Martin-Gelissen did not receive prior authorization for these
19 purchases from the district as required by school district policies. Ms. Martin-Gelissen also did
20 not inform the school district she had made these purchases. The school district first became
21 aware of these purchases when it received requests for payment from the vendors.

22 **FALSE STATEMENT**

23 33. Ms. Martin-Gelissen submitted an application to the Sheridan School District in
24 August 1996 in which she answered "no" to the question "Have you ever been refused
25 continuing employment as a teacher?" This statement was false because Ms. Martin-Gelissen

1 had been refused continuing employment as a teacher by the Open Bible Christian School in
2 May 1995.

3 34. In February 1998, Ms. Martin-Gelissen submitted an employment application to the
4 Silver Falls School District, and on April 17, 1998, she submitted an application to the Estacada
5 School District. On both applications she denied that she had been refused continuing
6 employment as a teacher. These statements were false because Ms. Martin-Gelissen had been
7 denied continuing employment at the Open Bible Christian School in May 1995.

8 **FAILURE TO WORK WITH STAFF EFFECTIVELY AND HONESTLY**

9 35. During the 1996-97 school year, Ms. Martin-Gelissen used computer equipment
10 assigned to other faculty at Sheridan High School without obtaining permission or asking
11 permission.

12 36. Ms. Martin-Gelissen repeatedly used her own software on school district computers
13 in violation of existing procedure at the school and despite being requested by the technology
14 coordinator on several occasions not to use her own software on school district computers.

15 37. In spring of 1997, Ms. Martin-Gelissen dismantled a greenhouse at the Sheridan
16 High School campus without obtaining permission or informing her supervisor or other persons
17 at the school of her intention to do so. On this occasion she used tools belonging to a shop
18 teacher at the school without informing the teacher or asking his permission to do so.
19 Ms. Martin-Gelissen obtained entry to the room where the tools were kept by falsely
20 representing to the school custodian that she had permission to gain access to the room and
21 permission from the teacher to use the tools.

22 38. Ms. Martin-Gelissen's classroom adjoined the classroom of Science Teacher Heidi
23 Hermansen. Ms. Martin-Gelissen had access through a common area to Ms. Hermansen's
24 classroom. Ms. Hermansen kept a file in her desk containing her annual written performance
25 evaluations. She did not show the contents of the evaluations to her colleagues, and she
26 considered the evaluations to be private. She also did not discuss her evaluations with

1 Ms. Martin-Gelissen. She never gave Ms. Martin-Gelissen permission to obtain access to her
2 desk and never gave Ms. Martin-Gelissen permission to disclose the teaching evaluation to any
3 other person.

4 Ms. Martin-Gelissen obtained access to Ms. Hermansen's written evaluation. On April 2,
5 1998, Ms. Martin-Gelissen filed a written complaint against Craig Prough with the Teacher
6 Standards and Practices Commission. Without the consent or knowledge of Ms. Hermansen,
7 Ms. Martin-Gelissen attached a copy of Ms. Hermansen's written teaching evaluation to the
8 complaint.

9 In a prehearing deposition, Ms. Martin-Gelissen testified that she did not remember
10 where she had obtained Ms. Hermansen's evaluation. At the hearing, Ms. Martin-Gelissen
11 testified that Ms. Hermansen had provided Ms. Martin-Gelissen a copy of the evaluation.
12 Ms. Hermansen adamantly denied this assertion. The panel accepts Ms. Hermansen's testimony
13 as accurate.

14 CONCLUSIONS OF LAW

15 1. Ms. Martin-Gelissen has consistently failed to demonstrate competency in the
16 supervision of students, in establishing constructive relationships with students, in establishing
17 rapport with students, and in maintaining classroom management that is conducive to learning in
18 violation of OAR 584-020-0020 and 584-020-0025.

19 2. Ms. Martin-Gelissen applied for a grant on behalf of her employing school district
20 without prior authorization or knowledge of the district in violation of district policies and
21 OAR 584-020-0025 and 584-020-0040(4)(a). Ms. Martin-Gelissen failed to comply with
22 requirements of the Oregon Ethics Law by failing to disclose a conflict of interest in violation of
23 OAR 584-020-0035(3)(a). Ms. Martin-Gelissen failed and refused to respond to questions from
24 her supervisor about the nature of the grant in violation of OAR 584-020-0040(4)(c).
25 Ms. Martin-Gelissen charged equipment to a school account without prior authorization from the

1 school superintendent in violation of school district policies and OAR 584-020-0040(4)(a) and
2 584-020-0025.

3 3. Ms. Martin-Gelissen made false statements in her applications for employment with
4 the Sheridan School District, the Silver Falls School District and the Estacada School District in
5 violation of OAR 584-020-0040(4)(c).

6 4. Ms. Martin-Gelissen failed to work effectively and cooperatively with school staff by
7 using computer equipment and other equipment assigned to other staff without obtaining
8 permission to do so; by dismantling a greenhouse on school district property without informing
9 her supervisor or her colleagues of her intention to do so; by obtaining access to school tools
10 through misrepresenting to the custodian that she had specific permission to use the tools; by
11 installing her personal software on school computers in violation of school policies and
12 procedures; and by secretly obtaining her colleague's written performance evaluation and
13 disclosing the written evaluation to the Commission without the knowledge and consent of her
14 colleague. The above actions constitute violations of OAR 584-020-0030.

15 The panel concludes that Conclusions of Law Numbers 1, 2 or 4 are sufficient alone to
16 justify a sanction of revocation. The panel also concludes that Conclusion of Law Number 3,
17 when considered in combination with any of the other Conclusions of Law, is sufficient alone to
18 justify a sanction of revocation.

19 DISCUSSION

20 The evidence concerning lack of competency was substantial and overwhelming. The
21 Commission finds the testimony of Mr. Prough, Mr. Salter, Ms. Hermansen and Mr. Byers to be
22 credible and convincing on this issue. The Commission finds the testimony of Mr. Witherspoon,
23 Ms. Weik, Mr. Prough, Ms. Kirkham, Mr. Salter, Ms. Hermansen, Ms. Scribner-Fraser,
24 Mr. Andrews and Mr. Byers to be credible and convincing on the issue of Ms. Martin-Gelissen's
25 inability to correct her deficits as a teacher. The panel specifically rejects the contention of

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1 Ms. Martin-Gelissen that these witnesses concocted or exaggerated their testimony in retaliation
2 for Ms. Martin-Gelissen's various claims made against her former employers.

3 The direct testimony and observations of Principal Craig Prough, James Salter and Heidi
4 Hermansen are sufficient to establish lack of competency as to Ms. Martin-Gelissen's
5 performance at Sheridan High School. The testimony and observations of Principal Larry Byers
6 are sufficient to establish lack of competency as to Ms. Martin-Gelissen's performance at the
7 Chemawa Indian School. The Commission has not considered the evidence of Ms. Martin-
8 Gellisen's performance as a student teacher at Talmage Middle School or as an unlicensed
9 teacher at Open Bible Christian School in reaching its conclusion that Ms. Martin-Gelissen lacks
10 competency; however, the Commission has considered this evidence for purposes of determining
11 an appropriate sanction as authorized by Commission rule OAR 584-020-0045(1), (2) and (3)
12 and for purposes of considering whether Ms. Martin-Gellissen's difficulties are likely to recur.

13 The Commission also does not consider or rely for any purpose on evidence that parents
14 or students made complaints to Mr. Witherspoon, Ms. Weik, Judith Kirkham or Mr. Prough
15 concerning Ms. Matin-Gelissen's performance as a teacher.

16 As is apparent from the Findings and Conclusions, Ms. Martin-Gelissen has
17 demonstrated an unfortunate pattern of behavior: She has consistently rejected offers from her
18 mentors and colleagues to help and guide her in developing skills (e.g., "I refuse to sign this
19 [suggestions from mentor teachers] because I do not agree with some of the content." Ex. 2)
20 only to end up suing the sponsoring organizations for breaching their obligations to do the very
21 thing she rejected.

22 Particularly inappropriate has been Ms. Martin-Gelissen's direct involvement of her
23 husband in her academic activities and responsibilities. Her allowing his involvement in the
24 Watershed Grant got her into ethical problems. Her allowing him and her son to assist her in
25 destroying one of the greenhouses on the Sheridan High School campus was similarly
26 inappropriate. Most reprehensible, however, was her disclosure to her husband of confidential

1 information concerning students' identifications and qualifications so he could communicate
2 directly to the students' parents to derogate the Sheridan High School Administration.
3 Permitting her husband to inject himself into her personal professional role and obligations in
4 itself constituted gross neglect of duty and gross unfitness.

5 The Commission does not believe a sanction of probation would be appropriate because
6 there is no evidence that Ms. Martin-Gelissen would be likely to benefit or improve under a
7 probationary plan of remediation. She has refused attempts to help her improve, and she has
8 demonstrated a pattern of defensiveness and inability to accept well-meaning criticism. When
9 she was removed from student teaching, instead of complying with the university's plan of
10 remediation, she refused to comply with the plan and filed a lawsuit against the university. This
11 pattern repeated itself in her teaching experiences at Open Bible Christian School, Sheridan
12 School District and Chemawa Indian School. Ms. Martin-Gelissen's testimony and demeanor at
13 the hearing also demonstrated an inability to accept responsibility and a lack of insight about
14 what changes would be necessary for her to be an effective teacher.

15 The Commission also finds Ms. Martin-Gelissen has an inability to work effectively and
16 honestly in her interactions with supervisors and colleagues. Her refusal to follow established
17 procedure and her refusal to extend common courtesies had the effect of alienating other school
18 staff and supervisors in all the education settings where she worked, except perhaps in some of
19 the short-term substitute teacher assignments. The lack of honesty and the inability or
20 unwillingness to establish appropriate interpersonal relationships with colleagues compounds the
21 problems that Ms. Martin-Gelissen demonstrated in the classroom and makes it abundantly clear
22 that Ms. Martin-Gelissen should not hold a teaching license.

23 The Commission concludes that Ms. Martin-Gelissen made a false statement in her
24 employment applications with respect to her former employment at Sheridan School District but
25 not at Sheridan School District. As a part of a negotiated agreement, Ms. Martin-Gelissen agreed
26 to resign her position in exchange for the withdrawal the withdrawal of the notice of Mr.

1 Prough's recommendation of non-renewal. Based on this, Ms. Martin-Gelissen did not make a
2 misrepresentation concerning her employment with Sheridan.

3 The Commission has concluded that the violations listed in Conclusions of Law 1, 2 or 4
4 would be sufficient standing alone to justify revocation of Ms. Martin-Gelissen's teaching
5 license, and the Commission would in fact revoke the license based upon proof of any of these
6 violations alone.

7
8 **ORDER**

9 The Oregon Teaching License of Yvonne Martin-Gelissen is hereby revoked.

10 DATED this 1st day of February, 2001.

11 TEACHER STANDARDS AND PRACTICES COMMISSION

12
13 By: 
14 David V. Myton, Executive Director

1
2 BEFORE THE
3 TEACHER STANDARDS AND PRACTICES COMMISSION
4 STATE OF OREGON
5


6 In the Matter of the)
7 Teaching License of) ORDER OF REVOCATION
8 YVONNE MARTIN-GELISSEN)
9)

10
11
12 FINAL ORDER
13

14 By resolution dated September 16-17, 1999, the Teacher Standards and
15 Practices Commission adopts the attached proposed order revoking the Oregon
16 Teaching License of Yvonne Martin-Gelissen for gross neglect of duty and gross
17 unfitness.

18
19 DATED THIS 17th day of September, 1999.
20

21 TEACHER STANDARDS AND PRACTICES COMMISSION
22

23
24 By 
25
26 David V. Myton, Executive Director
27

28 NOTICE: YOU ARE ENTITLED TO A JUDICIAL REVIEW OF THIS ORDER.
29 JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW
30 WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW
31 IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON
32 COURT OF APPEALS.
33
34