

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON
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4 In the Matter of the
5 Teaching License of
6 KELLY FRANCIS SCHERBARTH
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DEFAULT ORDER
SUSPENDING LICENSE

On or about September 8, 2000, the Teacher Standards and Practices Commission received a complaint from the Hermiston School District No. 8R, indicating that Kelly Scherbarth had violated her contract by failing to provide 60 days' written notice prior to resignation. Under OAR 584-050-0020, the Commission informs the educator of intent to suspend the license on the basis of such complaints. The Executive Director took action to notify Kelly Scherbarth of intent to suspend her license, and to inform her of her opportunity for hearing by letter dated October 18, 2000. The letter was sent by Certified Mail—Return Receipt Requested #Z 204 897 169. The receipt was signed by Kelly Scherbarth on November 14, 2000, and returned to TSPC on November 20, 2000. Kelly Scherbarth did not request a hearing.

FINDINGS OF FACT

1. On or about May 22, 2000, Kelly Scherbarth signed a contract with the Hermiston School District for the 2000-2001 school year.
2. On August 10, 2000, Kelly Scherbarth submitted a letter of resignation and gave the Hermiston School District notice of intent to resign her position as special education teacher at Armand Larive Middle School. This notification came eleven days before she was expected to fulfill her duties.
3. Meeting in regular session on September 5, 2000, the Hermiston School District Board of Directors took action to seek a suspension of Kelly Scherbarth's Teaching license for the balance of the 2000-01 school year.
4. The Hermiston School District informed TSPC of this action in a letter dated September 6, 2000, requesting the suspension of Kelly Scherbarth's Teaching license.

ULTIMATE FINDINGS OF FACT

Kelly Scherbarth signed an employment contract with the Hermiston School District on or about May 22, 2000. Ms. Scherbarth submitted a letter of resignation, dated August 10, 2000, and effective immediately.

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CONCLUSIONS OF LAW

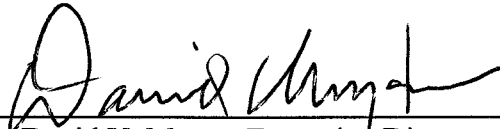
ORS 342.553 requires the suspension of a license for the balance of the school year for failure to provide 60 days' notice prior to resignation. If the charge of the contract violation is proven, and justification for the contract violation is not satisfactory, the Commission is required to suspend the license for the remainder of the school year. The Commission's decision is final.

ORDER

The Commission suspends the Oregon Teaching License #307520, issued to Kelly Francis Scherbarth, , for violation of contract by resignation without providing 60 days' written notice.

Dated this 12th day of January 2001.

TEACHER STANDARDS AND PRACTICES COMMISSION

By 
David V. Myton, Executive Director

DVM/mgh

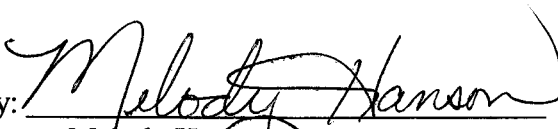
ACTION OF THE COMMISSION TO SUSPEND LICENSES FOR CONTRACT VIOLATIONS UNDER ORS 342.553 ARE FINAL AND MAY NOT BE APPEALED.

CERTIFICATE OF MAILING

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

Kelly Scherbarth
2314 S Rainer Pl
Kennewick WA 99336

Dated this 29th day of January 2001.

By: 
Melody Hanson
Executive Assistant to the Commission