

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2 OF THE STATE OF OREGON

4 In the Matter of the ) DEFAULT ORDER OF DENIAL  
5 Teaching License of ) OF TEACHING LICENSE  
6 Johnni Rhea Southerland )

7 On January 27, 2005, the Teacher Standards and Practices Commission (Commission) issued a  
8 Notice of Opportunity for Hearing to Johnni Rhea Southerland (Southerland) in which the Commission  
9 charged her with misconduct under ORS 342.175. The Notice was sent via U.S. First Class Mail and  
10 U.S. Certified Mail Receipt 7003 2260 0000 8922 9224 to the address Ms. Southerland provided to the  
11 Commission on her application for licensure. The certified mail receipt was signed and dated  
12 February 11, 2005. The Notice of Opportunity of Hearing, dated January 27, 2005, and signed by  
13 Victoria Chamberlain, Executive Director, stated:

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

19 Ms. Southerland did not request a hearing. The Commission, therefore, finds

21 Ms. Southerland to be in default and enters the following findings of fact, conclusions of law and  
22 order, based on the files and records of the Commission concerning this matter.

23 **FINDINGS OF FACT**

24 1. On August 23, 2004, Ms. Southerland signed and submitted an Application for Educator  
25 License Form C-1 requesting a Transitional Teaching License.

26 2. On the character question section of the application, Ms. Southerland responded affirmatively  
27 to question 1, "Have you ever left any educational or school-related employment, voluntarily or  
28 involuntarily, while the subject of an inquiry, review or investigation of alleged misconduct...?" and  
29 question 3, "Have you ever failed to complete a contract for educational services...for any alleged  
30 misconduct...?"

1 3. Documents obtained by the Commission issued by the Evansville-Vanderburgh School  
2 Corporation, Evansville, Indiana, indicate that on February 11, 2002, Ms. Southerland resigned her  
3 teaching position after it was determined that she failed to provide services and/or perform her duties in a  
4 competent manner to special education students.

5 4. On September 15, 2004, Ms. Southerland told a TSPC Investigator that her performance  
6 issues at Evansville-Vanderburgh School were the result of "burn out."

7 5. On October 12, 2004, the Commission wrote to Ms. Southerland requesting that she provide  
8 evidence in support of fitness to serve as an Oregon educator. Ms. Southerland did not respond.

9 **CONCLUSIONS OF LAW**

10 Pursuant to OAR 584-050-0006(5) and ORS 342.143 the Executive Director may deny an  
11 issuance of a license based upon evidence that the applicant may lack fitness to serve as an educator.  
12 The documents from Evansville-Vanderburgh School indicate that Ms. Southerland failed to provide  
13 services to students on numerous occasions and were the basis of her separation from employment.  
14 Ms. Southerland failed to provide evidence that in spite of the information from Evansville-Vanderburgh  
15 School she possesses fitness to serve as an educator. The Commission's authority to impose discipline  
16 in this matter is based upon ORS 342.175.

17 **ORDER**

18 The Commission hereby denies the application of Johnni Rhea Southerland for a Transitional  
19 Teaching License.

20 IT IS SO ORDERED this 10 day of March, 2005.

21 TEACHER STANDARDS AND PRACTICES COMMISSION

22 By: Victoria Chamberlain  
23 Victoria Chamberlain, Executive Director  
24

25  
26 **NOTICE OF APPEAL OR RIGHTS**

27  
28 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY  
29 FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL  
30 REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

1  
3 I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me  
4 as such by regular U.S. mail and by U.S. Certified Mail—Return Receipt Requested, addressed  
5 to:  
6

7 Johnni Rhea Southerland  
8 409 Dreier Blvd.  
9 Evansville, IN 47702

10 Dated this 23<sup>rd</sup> day of March, 2005.  
11  
12

13  
14 By: Melody Hanson  
15 Melody Hanson, Executive Assistant  
16