

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

In the Matter of the Educator License of) DEFAULT ORDER OF
JANET MARIE GILLESPIE) REVOCATION OF EDUCATOR LICENSE

On September 13, 2012, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Janet Marie Gillespie (Gillespie) in which the Commission charged her with Gross Neglect of Duty and Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7011 2000 0001 1292 0363 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima facie case. The Certified Mail was not returned to the Commission, and the return receipt was received by TSPC on September 27, 2012. The regular mail was not returned to the Commission. The same notice of opportunity for a hearing was previously mailed to Gillespie, both certified and by regular mail, on August 30, 2012. These notices were returned undeliverable. Staff located a new address and the notices were resent on September 13, 2012, as described above. The Notice of Opportunity of Hearing, dated September 13, 2012, and signed by Victoria Chamberlain, Executive Director, stated:

“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.”

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

FINDINGS OF FACT

1. Janet Marie Gillespie has been licensed by the Commission since October 16, 1986. Gillespie’s Personnel Service License endorsed with Standard School Psychology (052), was issued October 29, 2010, and expires on October 28, 2015. During all relevant times, Gillespie was employed by the David Douglas School District.
2. On May 26, 2011, the Commission was notified by the David Douglas School District that Gillespie may have violated professional standards by forging documents related to student special education eligibility and forging doctor’s notes regarding her medical leave status. During a district investigation, Gillespie admitted that she forged a document purporting to be from the Oregon

1 Health Sciences University (OHSU). The forged document indicated that a student had a medical
2 diagnosis that qualified the student to receive special education services (SPED).

- 3 3. The district investigation also discovered documents on Gillespie's computer, (blank doctor's notes
4 forms, and completed and/or altered doctor's notes) indicating additional unprofessional conduct
5 on her part. Specifically, Gillespie had forged doctor's notes for the purpose of obtaining /
6 maintaining sick leave status, FMLA/OFLA leave status, and return to work orders, conditions and
7 dates for Gillespie's benefit. Additionally, the district discovered other documents that indicated
8 Gillespie had altered official SPED records including Individualized Education Programs (IEP) to
9 indicate Gillespie attended meetings that she had not attended and other unauthorized alterations.

10 CONCLUSIONS OF LAW

11 Gillespie's conduct described in section two (2) above, constitutes gross neglect of duty
12 in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
13 0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and*
14 *reasonable rules and regulations*); and OAR 584-020-0040(4)(c) (*Knowing falsification of any*
15 *document or knowing misrepresentation directly related to licensure, employment, or*
16 *professional duties*). The above conduct also constitutes gross unfitness in violation of ORS
17 342.175(1)(c); OAR 584-020-0040(5)(b) (*Fraud or misrepresentation*).

18 Gillespie's conduct described in section three (3) above, constitutes gross neglect of duty
19 in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
20 0010(1) (*Recognize the worth and dignity of all persons and respect for each individual*), OAR
21 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(b) (*Using and*
22 *maintaining district property, equipment, and materials appropriately*), OAR 584-020-
23 0025(2)(e) (*Using district lawful and reasonable rules and regulations*); and OAR 584-020-
24 0040(4)(c) (*Knowing falsification of any document or knowing misrepresentation directly*
25 *related to licensure, employment, or professional duties*). The above conduct also constitutes
26 gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(b) (*Fraud or*
27 *misrepresentation*).

28 Furthermore, the conduct described above demonstrates that Gillespie lacks good moral
29 character, mental or physical fitness to hold a license as required under ORS 342.143(2).

30 The Commission's authority to impose discipline in this matter is based upon ORS
31 342.175.

32 FINAL ORDER

33 The Commission hereby revokes Janet Marie Gillespie's Educator licensure.

1 IT IS SO ORDERED THIS 28th day of January, 2013.

2 TEACHER STANDARDS AND PRACTICES COMMISSION



3 By: _____
4 Victoria Chamberlain, Executive Director

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NOTICE OF APPEAL OR RIGHTS

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