

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

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| In the Matter of the |) | DEFAULT ORDER OF DENIAL OF |
| Educator License of |) | APPLICATION AND REVOCATION |
| MAGDELINE A. KLEIN |) | OF RIGHT TO APPLY FOR LICENSURE |

On February 20, 2025, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Magdeline A. Klein (Klein) 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 9589 0710 5270 0408 4720 93 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 returned as “UNCLAIMED”. The regular, First-Class mail was not returned to the Commission and assumed delivered. The Notice of Opportunity of Hearing, dated February 20, 2025, and signed by Melissa Goff, Interim Executive Director, stated:

“IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 60-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, WITHDRAW YOUR REQUEST FOR HEARING, OR IF YOU FAIL TO APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE.”

Klein did not request a hearing. The Commission, therefore, finds Klein 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. On August 8, 2024, Klein submitted an application with the Commission for a Substitute Teaching License. Klein’s application was placed on hold pending resolution of this matter.

2. On Klein’s application, Klein answered “NO” to character questions relating to past criminal activity, adverse action, and discipline taken against her. On August 9, 2024, Klein emailed the Commission indicating she had made a mistake in answering the character question. Klein wrote that in 2018, she was convicted of public indecency. On August 22, 2024, Klein emailed the Commission and provided her account of the events leading to the conviction. On August 26, 2024, the Commission opened an investigation into the criminal behavior.

3. Investigation found that on November 7, 2018, Klein plead guilty to and was convicted in Jackson County Circuit Court on one (1), misdemeanor count of public indecency. Klein was fined \$250.
4. Investigation found Klein failed to fully disclose on her application and in her emails, the nature of the charges which resulted in her arrest and conviction

CONCLUSIONS OF LAW

Klein's criminal conviction described in section three (3) above, constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); and OAR 584-020-0040(1) (*The Commission will deny, revoke or deny the right to apply for a license or charter school registration to any applicant or educator who, has been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if convicted in another jurisdiction*), including ORS 163.465(2)(a) *Public Indecency*. This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means*); OAR 584-020-0040(5)(d) (*Commission of an act listed in OAR 584-020-0040(1)*); and OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction*).

Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards and Practices Commission must deny Klein's application and revoke her right to apply for a license based on conviction of any of the crimes listed in ORS 342.143(3)(a), or the substantial equivalent of any of those crimes, or convicted of attempt to commit such crimes as defined in ORS 161.405.

Klein's criminal conviction constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(c) and (d) as defined by OAR 584-020-0040 (5) (*Gross unfitness is any conduct which renders an educator unqualified to perform his or her professional responsibilities*).

Klein's conduct underlying her conviction, as described in section three (3) above, constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty*).

Klein's conduct as described in section four (4) above constitutes gross neglect of duty in

violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-0040(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty*); and OAR 584-020-0040(4)(c) (*Falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties*)

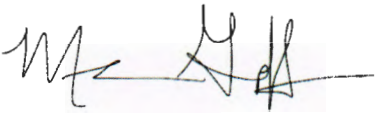
The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

FINAL ORDER

The Commission hereby denies the application of Klein and revokes Klein's right to apply for an Oregon educator licensure.

IT IS SO ORDERED THIS 24 day of April, 2025.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: 
Melissa Goff, Interim Executive Director

NOTICE OF APPEAL OR RIGHTS

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