

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

4 In the Matter of the Educator License of) DEFAULT ORDER OF
5 JANET L MONTGOMERY) 30 DAY SUSPENSION OF EDUCATOR
6) LICENSE
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9 On December 21, 2012, the Teacher Standards and Practices Commission (Commission)
10 issued a Notice of Opportunity for Hearing to Janet L Montgomery (Montgomery) in which the
11 Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First Class
12 Mail and U.S. Certified Mail Receipt 7011 2000 0001 1292 0073 to the address on file with the
13 Commission. The Notice designated the Commission file as the record for purposes of proving a
14 prima facie case. The Certified Mail was returned to the Commission marked "Unclaimed" on
15 January 8, 2013. The regular mail was not returned to the Commission. The Notice of
16 Opportunity of Hearing, dated December 21, 2012, and signed by Victoria Chamberlain,
17 Executive Director, stated:

18 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD,
19 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR
20 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL.
21 IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A
22 HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY
23 INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER
24 DISCIPLINE."
25

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

29 **FINDINGS OF FACT**

- 30 1. Janet L Montgomery has been licensed by the Commission since August 21, 2001.
31 Montgomery's Initial II Teaching License, with an endorsement in Multiple Subjects Self-
32 Contained (ECE, ELE), was issued August 22, 2011, and expires on May 1, 2015. During all
33 relevant times, Montgomery was employed by the North Clackamas School District.
34 2. On April 2, 2012, Montgomery was approached by an eight-year-old female student, MM. MM
35 disclosed to Montgomery that her father had struck her in the mouth, causing her pain and her
36 mouth to bleed. Montgomery noted that MM's lip was cut but not actively bleeding at the time of the
37 report. Montgomery, knowing the disclosure was a reportable event, made a note of the incident
38 and placed it on her computer because, in Montgomery's own words; "it was urgent". Montgomery
39 failed to report the possible child abuse to DHS or local law enforcement until 25 days later.

1 **CONCLUSIONS OF LAW**

2 Montgomery's conduct described in section two (2) above, constitutes gross neglect of
3 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-
4 020-0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(s) (*Failing to report child*
5 *abuse pursuant to ORS 419B.010*).


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

8 **FINAL ORDER**

9 The Commission hereby issues a Thirty (30) day suspension upon Janet L Montgomery's
10 Educator licensure.

11 IT IS SO ORDERED THIS 2nd day of July, 2013.

12 TEACHER STANDARDS AND PRACTICES COMMISSION

13 
14 By: _____
15 Victoria Chamberlain, Executive Director
16
17

18 **NOTICE OF APPEAL OR RIGHTS**

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