

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) REVOCATION OF RIGHT TO APPLY
6 NELLIE HRISTOVA MCLEAN) FOR AN EDUCATOR LICENSE
7

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9 On September 12, 2012, the Teacher Standards and Practices Commission
10 (Commission) issued a Notice of Opportunity for Hearing to Nellie Hristova McLean
11 (McLean) in which the Commission charged her with Gross Neglect of Duty. The Notice was
12 sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7011 2000 0001 1292 0295 to
13 the address on file with the Commission. The Notice designated the Commission file as the
14 record for purposes of proving a prima facie case. The Certified Mail receipt was returned,
15 signed by Ms. McLean, to the Commission on September 26, 2012. The regular mail was not
16 returned to the Commission. The Notice of Opportunity of Hearing, dated September 12,
17 2012, and signed by Victoria Chamberlain, Executive Director, stated:

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

26 On October 3, 2012, McLean requested a hearing. On April 12, 2013, the Commission filed a
27 hearing request with the Office of Administrative Hearings. On May 31, 2013, parties
28 participated in a prehearing conference. McLean was provided discovery materials. A
29 contested case hearing was set for September 13, 2013, at 9:00 a.m. at the OAH office in
30 Tualatin Oregon. Ms. McLean failed to appear at this hearing.
31 Based on Ms. McLean’s failure to appear at the hearing, the Commission finds her in default
32 and enters the following order based on the records and files of the Commission in this
33 matter.
34

35 **FINDINGS OF FACT**

- 36 1. Nellie Hristova McLean has been licensed as a teacher in Oregon since August 31, 2006.
37 McLean’s Initial II Teaching License, with endorsements in ESOL (ML/HS), Language

1 Arts (HS) and Special Education (ML/HS), was issued on December 3, 2009, and
2 expired on December 2, 2012. McLean did not make application for renewal. During all
3 relevant times, McLean was employed by the Myrtle Point School District.
4

5 2. On March 10, 2011, two of McLean's teaching assistants reported to the school Principal
6 that McLean was demonstrating unethical behaviors in the classroom. An investigation
7 was conducted and determined that McLean provided students with answers to tests,
8 inappropriately allowed students to take tests in groups, and on several occasions,
9 McLean improperly helped students draft essays and/or wrote portions of the student's
10 essay or report herself. On one occasion, McLean directed one of her teaching assistants
11 to write an essay/report for a student, which the assistant refused to do. During an
12 interview with a TSPC investigator, McLean stated, "*I can't deny it, I did help my kids on
13 their test and I regret doing that. I had to help them because they lacked motivation;
14 they would have preferred to drop out than learn. I did, I gave them the answers. I
15 acted on emotions then rationalization*".

16
17 3. On September 13, 2013, a contested case hearing on the matter was convened. Ms.
18 McLean failed to appear. She received notice of the hearing from the Office of
19 Administrative Hearings, and from the Department of Justice when exhibits were
20 submitted.

21 CONCLUSIONS OF LAW

22 McLean's conduct described in section two (2) constitutes gross neglect of duty in
23 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
24 0010(5) (*Use professional judgment*), OAR 584-020-0015(2)(e) (*Skill in the selection and
25 use of teaching techniques conducive to student learning*), OAR 584-020-0025(2)(e)
26 (*Using district lawful and reasonable rules and regulations*); and OAR 584-020-
27 0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the
28 profession by respecting and obeying the law, exemplifying personal integrity and
29 honesty*).

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

1 **FINAL ORDER**

2 The Commission hereby revokes Nellie Hristova McLean's Right to Apply for an
3 Educator license.

4 IT IS SO ORDERED THIS 19th day of September, 2013.

5 TEACHER STANDARDS AND PRACTICES COMMISSION



6 By: _____
7 Victoria Chamberlain, Executive Director

8 **NOTICE OF APPEAL OR RIGHTS**

9
10
11 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
12 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
13 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
14 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

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