

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

|                         |   |                  |
|-------------------------|---|------------------|
| In the Matter of the    | ) |                  |
| Teaching License of     | ) | DEFAULT ORDER    |
| JANICE MARIE CUNNINGHAM | ) | REVOKING LICENSE |
|                         | ) |                  |

On or about March 14, 1997, the Teacher Standards and Practices Commission received information from Lincoln County School District, indicating that Janice Marie CunniNgham may have altered her Oregon Teaching License. The TSPC investigation revealed that the license was fraudulent. On May 16, 1997, the Commission found sufficient evidence that Cunningham had violated TSPC Standards. The Executive Secretary notified Ms. Cunningham of the Commission's action and of her opportunity for hearing. The notice, dated May 28, 1997, and signed by David V. Myton, Executive Secretary, stated:

"You, Janice Marie Cunningham, are entitled to a hearing on the proposed sanction of your teaching license. If you desire a hearing, you must notify the Executive Secretary of the Commission, in writing, within 21 days of the date of this notice."

The notice of opportunity for hearing was sent by U.S. Certified Mail, Return Receipt Requested to Cunningham's attorney, Mark Toledo on May 28, 1997. Toledo did not request a hearing for his client.

FINDINGS OF FACT

1. Janice Marie Cunningham holds a Substitute Teaching License valid from February 10, 1995 to July 16, 1998.
2. Janice Marie Cunningham violated OAR 584-20-040(4)(c) on or about December 29, 1994, on her application for License Authorizing Public School Service Form C-1. Cunningham knowingly misrepresented her education when she falsely stated that she earned a Master's Degree in Special Education from Portland State University in 1975.
3. Cunningham violated OAR 584-20-040(4)(c) on or about July 3, 1995 on her application for employment with the Lincoln County School District. Cunningham knowingly misrepresented her education when she falsely stated that she earned a Master's Degree in Special Education from Portland State University in 1975.
4. Cunningham violated OAR 584-20-040(5)(b) on or about September 15, 1995, when she presented a fraudulent Teaching License to the Lincoln County School District for contractual employment.
5. Cunningham violated 584-20-035(2)(a) on or about July 3, 1995, when she applied for a contractual teaching position and subsequently accepted a position for which she lacked professional qualification; a Teaching License with Basic Handicapped Learner endorsement.

### ULTIMATE FINDINGS OF FACT

Cunningham violated 584-20-035(3)(a) in the commission of each of the acts listed above by failing to "maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty."

### CONCLUSIONS OF LAW

Cunningham's conduct constitutes gross neglect of duty and gross unfitness in violation of OAR 584-20-040 (3)(b), (4)(c) and (5)(b).

### ORDER

The Commission revokes the Oregon Substitute Teaching License #292394, issued to Janice Marie Cunningham,  
for gross neglect of duty and gross unfitness.

Dated this 15<sup>th</sup> day of July, 1997.

### TEACHER STANDARDS AND PRACTICES COMMISSION

By: David V. Myton  
David V. Myton, Executive Secretary

### 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.

DVM/cs