

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

3  
4 In the Matter of the Educator                    )     DEFAULT ORDER OF  
5 License of    )     PUBLIC REPRIMAND  
6 HEATHER WHITNEY                                )       
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9                   On March 29, 2018, the Teacher Standards and Practices Commission (Commission)  
10 issued a Notice of Opportunity for Hearing to Heather Whitney (Whitney) in which the  
11 Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First  
12 Class Mail and U.S. Certified Mail Receipt 7017 0190 0000 6246 9099 to the address on file  
13 with the Commission. The Notice designated the Commission file as the record for purposes  
14 of proving a prima facie case. The Certified Mail was returned “Unclaimed” to the  
15 Commission. The first class mail was not returned to the Commission and assumed  
16 delivered. The Notice of Opportunity of Hearing, dated March 29, 2018, and signed by  
17 Anthony Rosilez, 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.”  
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26 Whitney did not request a hearing. The Commission, therefore, finds Whitney to be in  
27 default and enters the following findings of fact, conclusions of law, and final order, based  
28 on the files and records of the Commission concerning this matter.

29                   **FINDINGS OF FACT**

- 30                   1. Whitney has been licensed by the Commission since August 17, 2015. Whitney  
31                   previously held a Restricted School Counselor License, with an endorsement in  
32                   School Counselor (PK-12), valid from July 1, 2016, through June 30, 2017.  
33                   During all relevant times, Whitney was employed by the Portland Public School  
34                   District (PPSD).  
35                   2. On December 21, 2016, the Commission was notified by the PPSD that Whitney  
36                   may have violated professional standards by failing to provide 60 day notice of  
37                   resignation as required by contract and state law ORS 342.553(1). Subsequent

1 investigation determined the following:

- 2 a. On July 12, 2015, Whitney signed a First Year Probationary Contract with  
3 PPS, and in doing so, accepted the school counselor contract for the 2015-  
4 2016 school year. This contract was renewed for the following 2016-2017  
5 school year. Whitney was informed by letter on March 10, 2016, that  
6 Whitney's contract was renewed and that signing the contract and/or  
7 reporting for work under the contract was considered acceptance of the  
8 contract. PPSD payroll records indicate Whitney did report for work under  
9 the new contract. On November 18, 2016, Whitney submitted her  
10 resignation to be effective December 1, 2016. Whitney was advised of the  
11 requirement to provide 60 days' notice as detailed in state law. PPSD  
12 informed Whitney that they would be holding her to the required 60 day  
13 resignation notice required by law. Whitney informed PPSD that she had  
14 sought and received other employment that required her to begin work  
15 immediately, and Whitney was unable or refused to provide the requested  
16 60 day notice.

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18 **CONCLUSIONS OF LAW**

19 Heather Whitney's unprofessional conduct, as described above, constitutes Gross  
20 Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it  
21 incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-  
22 0025(2)(e) (*Using district lawful and reasonable rules and regulations*); and OAR 584-  
23 020-0040(4)(j) (*Resignation from a contract in violation of ORS 342.553*).

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25 The Commission's authority to impose discipline in this matter is based upon ORS  
26 342.175.

27 **FINAL ORDER**

28 The Commission hereby issues a Public Reprimand upon Heather Whitney's Oregon  
29 educator license.


1 IT IS SO ORDERED THIS 1st day of June, 2018.

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TEACHER STANDARDS AND PRACTICES COMMISSION

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By:   
Dr. Anthony Rosilez, Executive Director

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NOTICE OF APPEAL OR RIGHTS

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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.