

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 KRISTIN ANNE MCKENZIE) SUSPENSION AND PROBATION
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8 On March 29, 2018, the Teacher Standards and Practices Commission (Commission) issued a
9 Notice of Opportunity for Hearing to Kristin Anne McKenzie (McKenzie) in which the Commission
10 charged her with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S.
11 Certified Mail Receipt 7017 0190 0000 6246 9051 to the address on file with the Commission. The
12 Notice designated the Commission file as the record for purposes of proving a prima facie case. The
13 Certified Mail receipt was returned signed to the Commission on April 2, 2018. The regular, first
14 class mail was not returned to the Commission, and is assumed to have been delivered. The Notice of
15 Opportunity for Hearing, dated March 29, 2018, and signed by Anthony Rosilez, Executive Director,
16 stated:

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

24 McKenzie did not request a hearing. The Commission, therefore, finds McKenzie to be in default and
25 enters the following findings of fact, conclusions of law, and final order, based on the files and
26 records of the Commission concerning this matter.
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28 **FINDINGS OF FACT**

- 29 1. Kristin Anne McKenzie has been licensed by the Commission since May 15, 2015. McKenzie
30 holds a Preliminary Teaching License, with endorsements in English Language Arts (PK-12)
31 and Social Studies (PK-12), valid from May 16, 2016, through October 14, 2018. During all
32 relevant times, McKenzie was employed by the Beaverton School District.
33 2. On May 16, 2017, the Commission received information from the Beaverton School district
34 indicating McKenzie may have committed acts which constitute gross neglect of duty. The
35 district reported McKenzie had reported to work under the influence of alcohol on school
36 grounds on or about May 10, 2017.
37 Investigation determined that on May 10, 2017, school officials were notified by staff that
38 McKenzie appeared intoxicated in the classroom. Co-workers described McKenzie as,
39 slurring her words, crying when it was out of context to do so, smelling of an alcoholic

1 beverage, and unsteady on her feet. At approximately 1:00 PM McKenzie was contacted by
2 the building principal who observed McKenzie to smell of alcohol, have red eyes and slurred
3 speech. McKenzie was confronted about the allegation and agreed to take a breath test.
4 McKenzie submitted two breath samples at a local occupational health facility, one at 2:48
5 PM with a test result of .102 BAC and the second test at 3:06 PM with a test results of .094
6 BAC. Both test results indicated McKenzie was under the influence of alcohol and over the
7 presumptive legal limit by Oregon law as related to driving under the influence (.08 BAC).
8 McKenzie's start time for work was 10:30 AM.

9 3. On May 16, 2017, McKenzie submitted her resignation to the Beaverton School District.

10 CONCLUSIONS OF LAW

11 McKenzie's conduct described above, constitutes gross neglect of duty in violation of ORS
12 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional*
13 *judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*);
14 and OAR 584-020-0040(4)(g) (*Appearing on duty or at any district-sponsored activity while*
15 *under the influence of alcohol or any controlled substance*).

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

18 FINAL ORDER

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21 The Commission hereby suspends Kristin Anne McKenzie's Oregon educator license for a
22 period of sixty (60) days, to begin upon the date this order is signed and in effect.

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24 In addition, the Commission places McKenzie on probation for a period of two (2) years to
25 commence upon reinstatement of McKenzie's Oregon educator license. This probation period is
26 subject to the following terms and conditions:

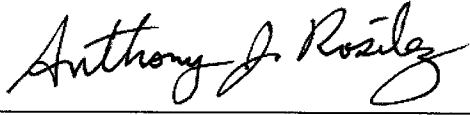
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28 1. McKenzie shall comply with the Standards for Competent and Ethical Performance
29 of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

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31 Violation of any term or condition of probation shall constitute an independent basis for the
32 Commission to revoke McKenzie's Oregon educator license or otherwise impose discipline, after first
33 providing McKenzie with notice and opportunity for hearing.

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

TEACHER STANDARDS AND PRACTICES COMMISSION

By: 
Dr. Anthony Rosilez, 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.