1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
3 4 5 6 7 8	In the Matter of the DEFAULT ORDER OF Educator License of REVOCATION OF LICENSURE In the Matter of the DEFAULT ORDER OF REVOCATION OF LICENSURE
9	On March 20, 2020, the Teacher Standards and Practices Commission
10	(Commission) issued a Notice of Opportunity for Hearing to Mark Modatrelli
11	(Modatrelli) in which the Commission charged him with Gross Neglect of Duty and /or
12	Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail
13	Receipt 7018 1830 0001 6178 7381 to the address on file with the Commission. The
14	Notice designated the Commission file as the record for purposes of proving a prima
15	facie case. The Certified Mail was not returned to the Commission. The regular first
16	class mail was not returned to the Commission, and assumed delivered. The Notice of
17	Opportunity of Hearing, dated March 20, 2020, and signed by Anthony Rosilez,
18	Executive Director, stated:
19 20 21 22 23 24 25 26 27 28	"IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING, WITHDRAW YOUR REQUEST FOR HEARING, OR IF YOU FAIL TO APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
29	On April 2, 2020, Modarelli sent the Commission an email advising he wanted to
30	default. The Commission, therefore, finds Modarelli to be in default and enters the
31	following findings of fact, conclusions of law, and final order, based on the files and
32	records of the Commission concerning this matter.
33	
34	FINDINGS OF FACT
35	1. Mark Modarelli has been licensed by the Commission since November 10, 2016.
36	Modarelli's Substitute Teaching License, with an endorsement in Substitute Any
37	Specialty (PK-12), is valid from November 11, 2017, through October 24, 2021.

1		Modarelli has held other Oregon teaching licenses that have expired. During all
2		relevant times, Modarelli was employed by Boardman Local Schools in Ohio.
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4	2.	On October 11, 2018, the Commission received information from the National
5		Association of State Directors of Teacher Education and Certification (NASDTEC)
6		clearinghouse indicating Modarelli may have committed acts which constitute gross
7		neglect of duty. NASDTEC records indicate that on or about September 18, 2018, the
8		Ohio Department of Education accepted Modarelli's surrender (July 19, 2018) and
9		revocation of his Ohio teaching credentials. The Ohio order stated the surrender and
10		revocation were in lieu of formal disciplinary proceedings. A review of Modarelli's
11		Commission records also indicated possible fraudulent answers made on Modarelli's
12		licensure applications in Oregon.
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14	3.	S or
15		Commission's investigation:
16 17		 On June 13, 2016, Modarelli was informed by his Ohio school district that
18		Modarelli was under investigation and placed on Administrative Leave.
19		 On July 14, 2016, the Ohio Department of Education sent a letter
20		indicating that Modarelli was officially under investigation for allegations
21		of conduct unbecoming to the teaching profession.
22		 On November 9, 2016, Modarelli made application to the Commission for
23		an Oregon Educator License. Modarelli falsely answered three of the
24		Commission's character questions regarding being under investigation
25		and being placed on administrative leave.
26		 On October 13, 2017, Modarelli submitted another application with the
27		Commission and again falsely answered "No" to these same character
28		questions.
29		On December 9, 2019, Modarelli admitted to lying on his character
30		questions to a Commission investigator. Modarelli explained that he
31		knowingly lied on the questions in an effort to get away from the situation
32		in Ohio and secure a license in Oregon.
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4. Commission investigators reviewed the Ohio allegations and related investigation that lead to the surrender and revocation of Modarelli's Ohio licensure. Investigation determined it was alleged that Modarelli engaged in inappropriate teacher / student boundaries while teaching at Boardman High School. It was learned that on several occasions Modarelli was disciplined and directed to discontinue the practice of calling or texting students, writing passes for students to "hang out" in his classroom, allowing students to access Modarelli via social media platforms, and to cease socializing with students or in places where students were present. The Ohio investigation determined that Modarelli had a pattern of concerning behaviors with female students, and Modarelli continued to engage in boundary violations despite being directed to stop. On July 19, 2018, Modarelli entered into a Permanent Voluntary Surrender and/or Denial of Licenses in lieu of formal disciplinary proceedings.

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CONCLUSIONS OF LAW

Mark Modarelli's conduct described in sections two (2) and three (3) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-0040(4)(c) (Falsification of any document or knowing misrepresentation directly related to licensure, employment, or professional duties), and OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(3)(a) (Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty). Mark Modatrelli's conduct described in section two (2) and four (4) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0025 (2)(e) (Using district lawful and reasonable rules and regulations), and OAR 584-020-0040 (4)(0) as

1 ,	it incorporates OAR 584-020-0035 (1)(C)(D) (Honoring appropriate adult
2	boundaries with students in conduct and conversations at all times).
3	Additionally, Modatrelli's conduct described in sections two (2) and four (4)
4	above (Ohio License Surrender and revocation) constitutes "gross unfitness" in
5	violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(c) and (d) as defined by
6	OAR 584-020-0040 (5)(a) (Revocation, suspension or denial of a license by
7	another state for reasons and through procedures that are the same as, or
8	substantially equivalent to, those permitting similar action in Oregon).
9	The Commission's authority to impose discipline in this matter is based
10	upon ORS 342.175.
11	FINAL ORDER
12	The Commission hereby revokes Mark Modarelli's Oregon educator license.
13	IT IS SO ORDERED THIS 14th day of May, 2020.
14	TEACHER STANDARDS AND PRACTICES COMMISSION
15 16 17	By:
17 18 19	NOTICE OF APPEAL OR RIGHTS
20 21 22	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