1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 4 5 In the Matter of the Educator ) DEFAULT ORDER OF License of ) SUSPENSION AND PROBATION 6 **LUCY ELIZA ROTHWELL** ) 7 8 9 10 On October 31, 2024, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Lucy E. Rothwell 11 12 (Rothwell), in which the Commission charged her with Gross Neglect of Duty and /or Gross Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail 13 14 Receipt 9589 0710 5270 2162 7864 30 to the address on file with the Commission. The Notice designated the Commission file as the record for purposes of proving a prima 15 16 facie case. The Certified Mail receipt was returned to the Commission signed. The regular first-class mail was not returned to the Commission and assumed delivered. The 17 18 Notice of Opportunity of Hearing, dated October 31, 2024, and signed by Cristina Edgar, Director of Professional Practices, stated: 19 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY 20 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED 21 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR 22 23 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING, WITHDRAW YOUR REQUEST FOR HEARING, OR IF YOU FAIL TO APPEAR 24 25 AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF 26 DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF 27 YOUR LICENSE OR OTHER DISCIPLINE." 28 29 On November 4, 2024, the Commission received a domestic return receipt for the 30 31 certified Notice of Opportunity for Hearing document listed above. This document was returned and signed by the educator, Rothwell, as received. On November 26, 2024, the 32 33 Commission attempted to contact Rothwell by telephone at the number on file with the Commission but did not receive a response. To date, the Commission has not received 34 35 any further contact from Rothwell and therefore, finds Rothwell to be in default and enters the following findings of fact, conclusions of law, and final order, based on the 36 37 files and records of the Commission concerning this matter.

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## FINDING OF FACT The Commission has licensed Bothwell since No.

1. The Commission has licensed Rothwell since November 2022. Rothwell holds a Preliminary Teaching License, with an endorsement in Social Studies (PreK-12), valid from November 30, 2022, through May 11, 2026. During all relevant times, Rothwell was employed by Portland Public Schools (PPS).

2. On February 21, 2023, the Commission received a School District Misconduct Report from PPS indicating Rothwell may have committed acts which constitute gross neglect of duty and / or gross unfitness. The report alleged that between January 9, 2023, and February 9, 2023, Rothwell appeared to be physically and emotionally impaired while teaching classes and interacting with students and staff members. It was also alleged that on February 10, 2023, Rothwell submitted to a drug screening test and tested positive for cocaine.

3. Investigation found that in February 2023, staff members and students reported to administration that Rothwell arrived to work late on dates including January 9, 2023, January 17, 2023, January 18, 2023, January 23, 2023, and February 8, 2023. Staff and students reported Rothwell fell asleep in class while teaching during at least one occasion in February 2023. Staff and students reported Rothwell arrived late to teach after lunch on at least two occasions between January and February 2023. Multiple staff members also reported that Rothwell engaged them in unusual conversation topics between January and February 2023, and during this time Rothwell would sustain long periods of conversation with her eyes "half-closed" and her body would move erratically. Staff also reported Rothwell failed to supervise her classroom during several dates as Rothwell would go to the bathroom for extended periods of time to vomit and experience nose bleeds.

4. Investigation found that on January 9, 2023, two students reported to administration that Rothwell was experiencing mood swings in class and was

"either drunk or super energetic". On January 9, 2023, Rothwell was observed by administration in her classroom leaving the classroom to frequent the bathroom. Rothwell was also observed by administration to exhibit incoherent speech, an inability to verbalize simple statements, bloodshot and watery eyes, an inability to sit still, an unsteady gait, and constant nervousness and laughing. Administration reported Rothwell's train of thought was constantly disrupted while teaching and said Rothwell cried in class and fell asleep in class. It was lastly reported that Rothwell was questioned by administration on February 9, 2023, and Rothwell claimed to be experiencing a medical crisis. Staff said Rothwell's body was shaking, that Rothwell was crying, and that she repeated several phrases. Staff reported they were unable to regulate Rothwell's mood after several attempts were made to calm her for over an hour. On January 9, 2023, Rothwell was instructed to leave campus to take part in a drug test at Concentra Health Care Facility in Portland, Oregon. However, Rothwell was unable to provide an adequate sample. On February 10, 2023, Rothwell returned to the facility and submitted to the drug screening. On February 15, 2023, the screening confirmed Rothwell tested positive for Cocaine. Following this result, between February 15, 2023, and March 2, 2023, Rothwell provided several unprompted emails to her direct supervisor admitting to using cocaine recreationally and claimed the drug use was from the weekend before. Rothwell also claimed using cocaine helped her cope with Attention-Deficit Hyperactivity Disorder (ADHD). On or around January 15, 2023, administration conducted a search of Rothwell's classroom and common areas where educators would store personal belongings. It was reported staff located Kratom in Rothwell's rolling filing cabinet next to her desk. Kratom is catalogued as a substance which creates a stimulant and/or opioid effect.

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5. Investigation additionally found that on May 30, 2024, Rothwell was mailed Certified Mail and First-class Mail containing a letter requesting she participate in an interview with TSPC. The First-class letter was not returned. The Certified Mail letter was confirmed as being received by a resident at the property on June 11, 2024. Commission staff had previously sent Rothwell a notice of investigation

on February 22, 2023, (to the same address) and Rothwell completed the Certified Mail return receipt on March 1, 2023. On August 28, 2024, Rothwell was mailed a second set of Certified Mail and First-class Mail letters requesting she participate in an interview with TSPC. The First-class letter was not returned. The Certified Mail letter was confirmed as being received by a resident at the property on September 4, 2024. On July 20, 2024, and August 20, 2024, Commission staff attempted to contact Rothwell via email and by phone but did not receive a response. To date, the Commission has not received a response from Rothwell to indicate cooperation with investigation.

6. On March 3, 2023, Rothwell effectively signed a Separation Agreement with PPS and effectively ended her position of employment.

## CONCLUSIONS OF LAW

By engaging in the above conduct in paragraph three (3), Rothwell engaged in 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 584-020-0020(2)(d) (Skill in the supervision of students); OAR 584-020-0025(2)(a) (Establishing and maintaining classroom management that is conducive to learning); OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and regulations); OAR 584-020-0030(2)(b) (Skill in communicating with administrators, students, staff, parents, and other patrons); OAR 584-020-0035(3)(a) (Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty); and OAR 584-020-0040(4)(g) (Appearing on duty or at any district-sponsored activity while under the influence of alcohol or any controlled substance).

The conduct described above in paragraph four (4) 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 584-020-0020(2)(d) (Skill in the supervision of students); OAR 584-020-0025(2)(a) (Establishing and maintaining classroom management that is conducive to learning); OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and regulations); OAR 584-

1	020-0030(2)(b) (Skill in communicating with administrators, students, staff,
2	parents, and other patrons); OAR 584-020-0035(3)(a) (Maintain the dignity of the
3	profession by respecting and obeying the law, exemplifying personal integrity and
4	honesty); and OAR $584$ -020-0040(4)(g) (Appearing on duty or at any district-
5	sponsored activity while under the influence of alcohol or any controlled
6	substance).
7	The conduct described above in paragraph five (5) constitutes gross neglect of
8	duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(p) (Subject to the
9	exercise of any legal right or privilege, failure or refusal by an educator under
10	investigation to respond to requests for information, to furnish documents or to
11	participate in interviews with a Commission representative relating to a
12	Commission investigation).
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14	The Commission's authority to impose discipline in this matter is based upon
15	ORS 342.175.
16	FINAL ORDER
17	The Commission hereby issues a one (1) year suspension and a three (3)-year
18	probation period upon reinstatement upon Rothwell's Oregon educator license.
19	Furthermore, Rothwell will be required to complete and provide documentation of a
20	Commission-approved Drug and Alcohol evaluation prior to reinstatement and comply
21	with treatment providers recommendations during the period of probation.
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23	IT IS SO ORDERED THIS day of December 2024.
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25	TEACHER STANDARDS AND PRACTICES COMMISSION
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By:

Melissa Goff, Interim Executive Director

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.