

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
TEACHER STANDARDS AND PRACTICES COMMISSION**

IN THE MATTER OF THE APPLICATION) **PROPOSED ORDER**
FOR A TEACHING LICENSE OF)
)
HEATHER RIDLE,) OAH Case No. 124879
Applicant)

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Teacher Standards &
Practices Commission

HISTORY OF THE CASE

On January 6, 2005, Heather Adelma Ridle submitted an Application For Educator License Form C-1 to the Teacher Standards and Practices Commission (TSPC or Commission). On August 2, 2005, TSPC issued a Notice of Denial of Teaching License and Opportunity for Hearing. Ridle timely requested a hearing.

TSPC referred the hearing request to the Office of Administrative Hearings (OAH) on November 21, 2005. On January 4, 2006, TSPC issued an Amended Notice of Denial of Renewal of Teaching License. The Amended Notice alleged that Applicant failed to furnish evidence satisfactory to the Commission of good moral character, mental and physical health, and such other evidence the Commission considered necessary to establish fitness to serve as an educator.

Administrative Law Judge (ALJ) Alison Greene Webster was assigned to preside at hearing. A prehearing conference was held on January 31, 2006. TSPC was represented by Assistant Attorney General Elizabeth Denecke. Ms. Ridle appeared for the conference in person and without counsel.

The hearing was held on October 9, 2006 in Beaverton, Oregon. Ridle appeared in person and without counsel. TSPC was represented by Assistant Attorney General Jeffrey L. Dover. The following witnesses testified at the hearing: Heather Ridle; Susan Nisbet, TSPC Investigator; Richard Burr; Portland Police Officer Sarah Taylor; James Jenkins; and Michael Ridle. The record closed at the conclusion of the hearing on October 9, 2006.

ISSUES

1. Whether TSPC was entitled to require that Ridle furnish evidence of her mental health and fitness to serve as an educator.

2. Whether Ridle's failure to respond to the Commission's request for evidence of her mental fitness to serve as an educator from a licensed physician provides grounds for denying licensure under ORS 342.143, OAR 584-050-0006(5) and/or 584-020-0040(4)(p).

EVIDENTIARY RULINGS

Exhibits A1 to A14, offered by TSPC, and Exhibits E1 through E12, E14, E16, E17 and E19 through E24, offered by Ms. Ridle, were admitted into the record without objection

FINDINGS OF FACT

1. Applicant Heather Ridle began working as an elementary school teacher for the Woodburn School District in 1976. (Test of Ridle.)

2. In November 2000, Ridle was scheduled to undergo knee surgery. The surgery was delayed until January 2001, but Ridle remained on leave from work. During this same time period, the school district also had concerns about Ridle's general fitness for duty. After the surgery, in March 2001, the district agreed to continue her medical leave for the remainder of the school year, conditioned upon receiving a physician's release regarding her mental and physical fitness for duty by August 1, 2001. (Ex. A5.)

3. On or about May 13, 2001, Ms. Ridle left her home in Northeast Portland and took a bus downtown. She originally planned to stay at the "Y" because she had locked herself out of the house while doing some renovation work. She got off the bus on Sixth Avenue near the Portland Hilton, and checked into the Hilton instead. (Test. of Ridle.)

4. At some point in the morning of May 13, 2001, Ridle heard noises from the hotel room next door. Believing that someone, perhaps a man in the room next door, was attempting to break into her room, Ridle barricaded herself in the room. (Test. of Ridle.) At about 9:00 a.m., Ridle called the front desk and asked for hotel security. Security responded, and knocked on her door, but Ms. Ridle did not answer. (Test. of Ridle; Ex. A8.)

5. About a half hour later, hotel security received a noise complaint about Ridle's room (Room 820) from the room next door (Room 821). Two security officers responded and knocked on Ridle's door again, but she refused to open it. She claimed that her phone was not working, and requested that it be turned back on. The security officers warned Ridle that if they received any further complaints about noise from her room, they would ask her to leave the premises. They also checked the status of the phone in her room, and determined that it was working. (Ex. A8.)

6. At about 11:00 a.m., the person in room 821 called hotel security again to complain about noise coming from Ridle's room. A hotel security officer and the manager on duty, Richard Burr, responded. They asked Ridle to open the door. They also asked that she leave the premises. She did not open the door. Burr talked to Ridle through the closed door. During this conversation, Ridle told Burr that she had torn up the hotel room. She said that she had a gun and bullets. She also said something about jumping out the window. Concerned about Ridle's welfare, Burr called the police to check on her. (Exs. A8 and A1; test. of Burr.)

7. Portland Police Officers Taylor and Whitcanack responded to the Hilton Hotel. Burr advised them that Ridle said that she had destroyed the room, that she had a gun and bullets and that she had threatened to jump out the eighth story window. (Ex. A1; test. of Burr; test. of Taylor.)

8. Officers Taylor and Whitcanack knocked on the door to Ridle's room and announced themselves as Portland Police. She yelled back that she was on the phone and did not know if they were really the police.¹ Using hotel security's key, the officers tried to open the door to room 820. The door opened only slightly, because Ridle had moved the television cabinet and a nightstand in front of the door in the narrow entryway. After talking with Ridle for about 20 minutes, the officers convinced her to move the nightstand, which allowed them to push the cabinet out of the way and gain entry into the room. (Test. of Taylor; Ex. A1.)

9. Once inside the room, the officers took Ridle into custody. The room was a mess. There was food and trash on the floor. The sheets were off the bed, tied together and hanging out the window. Officer Taylor saw a .22 caliber semi-automatic handgun in a bag on the window sill. A few feet from the gun, Officer Taylor saw a clip with five rounds of ammunition. Ridle's clothing and hair were disheveled. Ridle would not respond to questions about the gun and would not make eye contact with Officer Taylor. (Test. of Taylor; Ex. A1.)

10. Burr entered the room after the officers. He also saw that the room was "in shambles." He saw the sheets hanging out the window. He noted that a screen was taken off an air vent and a pillow was pushed into it. Burr also saw money (what appeared to be several \$100 bills) clipped to hanger that was hanging from a light fixture. (Test. of Burr.)

11. After taking Ridle into custody, Officer Taylor searched her person. Officer Taylor found a phone bill stuffed in the crotch area inside the jeans Ridle was wearing. Ridle was mumbling and appeared incoherent. Officer Taylor transported Ridle from the Hilton to Oregon Health Sciences University (OHSU) hospital for a psychiatric evaluation. (Test. of Taylor; Ex. A1.)

12. Ridle was evaluated by an OHSU physician and admitted to the psychiatric unit for treatment. (Test. of Taylor; Ex. E2.) Seven days later, on the afternoon of May 20, 2001, she left the hospital against medical advice.² (Ex. A2.) Ridle's physicians believed that her psychiatric condition was not yet under control. (Ex. A4.)

13. On May 21, 2001, Ridle met with Walt Blomberg, Personnel Director for Woodburn Schools. She advised that she could not return to work because of her mental condition. She promised to provide a physician's verification of her inability to return to work. (Ex. A5.) Ridle did not want to return to work at that time, because there were just a few weeks left in the school year. She also did not want her employer to know that she had been hospitalized in the

¹ Ridle was talking on the phone to her friend Jim Jenkins, an attorney in Atlanta, Georgia. (Test. of Jenkins; test. of Ridle; Ex. E1.)

² Ridle decided to leave the hospital because she felt she "had to." She believed that if she did not show up at work on the morning of May 21, 2001, she would have been fired. (Test. of Ridle.)

psychiatric unit, as she believed the information would be used as a basis for her termination. (Test. of Ridle.)

14. In August 2001, the Superintendent of Woodburn Schools notified Ridle that he was recommending that she be dismissed from her teaching position with the School District due to "physical or mental incapacity." The Superintendent's determination was based, in part, on Ridle's failure to provide written confirmation from a physician stating that she was mentally fit for duty or that her mental condition had changed from May 2001, when she was hospitalized in the OHSU psychiatric unit. The Superintendent also recommended dismissal based on neglect of duty. (Ex. A5.) The Board approved the Superintendent's recommendation and terminated Ridle's employment with the Woodburn Schools on September 26, 2001. (Test. of Ridle; Ex. A14.)

15. Ridle did not appeal the Board's decision a timely manner, and her termination became final. (Ex. A14.)

16. In January 2005, Ridle applied to TSPC for renewal of her educator license. In the application, she disclosed that she had been dismissed by Woodburn Schools following an investigation of alleged misconduct or alleged violation of professional standards of conduct. In an attached letter of explanation, she claimed that she was fired based on hearsay and "sensational gossip." She further claimed that she was unaware of the 10 day time limit within which to appeal her dismissal, and therefore "never given an opportunity to deny or defend" the allegations. (Ex. A14 at 4-6.)

17. Ridle's application for renewal was referred to TSPC Investigator Susan Nisbet to investigate the circumstances of her dismissal from the Woodburn School District. Nisbet met with Ridle on May 11, 2005. Nisbet asked Ridle about the reasons for her dismissal. Ridle discussed some of the challenges she faced during her last few years in the classroom. She also addressed, among other things, her need for knee surgery in late 2000, her Fall 2000 arrest for DUII (and subsequent acquittal), the incident at the Portland Hilton and her week-long hospitalization in OHSU's psychiatric unit in May 2001. (Ex. E7 at 1-13)

18. During the meeting, Nisbet explained that TSPC needed additional information before it would consider granting her the license. Nisbet advised Ridle that she needed to submit a physician's release indicating that she was both mentally and physically fit to serve as an educator. Nisbet advised that the release had to come from a licensed physician, "an M.D." (Ex. E7 at 28-33.) Ridle objected to having to prove her mental fitness. She understood, however, that TSPC would not approve her application without a physician's release indicating she was fit to return to work. (Ex. E7 at 38-40; Ex. A7.)

19. On August 2, 2005, TSPC notified Ridle of its decision to deny her application for a teaching license based on her failure to furnish satisfactory evidence of her mental fitness to serve as an educator. (Pleading P1.)

20. In January 2006, Ridle obtained a letter from her chiropractor, Usha Honeyman. Honeyman explained that Ridle had been a patient since January 1998. Honeyman also

indicated that Ridle's "state of mind now is not different than her state of mind when she was employed." Therefore, in Honeyman's opinion, Ridle "is mentally and physically fit to teach." (Ex. E12.)

CONCLUSIONS OF LAW

1. TSPC is entitled to require that Ridle furnish evidence of her mental health and fitness to serve as an educator.

2. Ridle's failure to respond to the Commission's request to provide evidence of her mental fitness to serve as an educator from a licensed physician provides grounds to deny her licensure under ORS 342.143, OAR 584-050-0006(5) and/or 584-020-0040(4)(p).

OPINION

TSPC is the agency authorized to issue teaching licenses in the State of Oregon. Under ORS 342.143, TSPC may require an applicant for a teaching license "to furnish evidence satisfactory to the commission of good moral character, mental and physical health, and such other evidence as it may deem necessary to establish the applicant's fitness to serve as a teacher."

OAR 584-050-0006 sets out criteria for denying issuance of licenses. Under OAR 584-050-0006(5), TSPC shall deny a license when "the Executive Director has evidence that the applicant may lack fitness to serve as an educator." TSPC may also refuse to license an applicant who is charged with gross neglect of duty. Gross neglect of duty is defined as any serious and material inattention to or breach of professional responsibilities. OAR 584-020-0040(4). An applicant's failure or refusal to respond to requests for information from the Commission or to furnish requested documents may constitute gross neglect of duty. OAR 584-020-0040(4)(p).

In this case, TSPC alleges that, as evidenced by her behavior on or about May 13, 2001, Ridle may lack fitness to serve as an educator due physical or mental incapacity. TSPC further alleges that Ridle's failure to provide evidence of her fitness to serve as an Oregon educator or her failure to respond to the Commission's request to furnish documents constitutes a violation of OAR 584-020-0040(4)(p) and a basis for denial of licensure.

In a license application proceeding, an applicant has the burden of establishing his or her fitness to obtain the license. *Sobel v. Board of Pharmacy*, 130 Or App 374 (1994). But, as the proponent of the position that Ridle's application for renewal should be denied, TSPC bears the burden of presenting evidence. ORS 183.450. Therefore, TSPC must show that Ridle may lack fitness to serve as an educator and/or that she engaged in conduct constituting gross neglect of duty.

TSPC cites to Ridle's behavior on May 13, 2001 and her admission to OHSU's psychiatric unit as evidence that she may lack fitness to serve as an educator. TSPC cites to Ridle's failure to furnish a physician's report of mental fitness as evidence of gross neglect of duty. Ridle, on the other hand, questions TSPC's authority to require that she furnish evidence of

mental fitness in the form of a physician's release. She also contends that her conduct on May 13, 2001 should not have given rise to any concern about her fitness to serve as an educator. Specifically, Ridle challenges the officer's decision to take her to OHSU for a psychiatric evaluation and the hospital's decision to admit her for treatment. Ridle also contends that the incident at the Portland Hilton is unrelated to her duties as an educator, and therefore should not impact her license application. Finally, Ridle asserts that any physician would have to review her entire employment file before evaluating her fitness to serve as an educator, and she does not have the resources to pay for such a forensic evaluation.

TSPC is expressly authorized under ORS 342.143 to require that an applicant furnish evidence of mental and physical health. It is reasonable for TSPC to demand that such evidence come from a licensed physician. Further, an applicant's mental and physical health is directly related to his or her fitness to serve as a teacher. Therefore, contrary to Ridle's contention, TSPC has the authority to demand that she furnish the agency with a return to work release from a licensed physician. Having received information regarding Ridle's conduct at the Portland Hilton on May 13, 2001 and her subsequent week-long hospitalization in the psychiatric ward, TSPC had legitimate concerns about her fitness to teach. Therefore, notwithstanding Ridle's claim that she was acting rationally at the Hilton and should not have been admitted to OHSU, TSPC is entitled to demand that she provide competent evidence of her mental fitness.

Ridle has not furnished satisfactory evidence of her mental health and fitness to serve as an elementary school teacher. She has not submitted the required return to work release from a licensed physician. The January 2006 letter from chiropractor Honeyman does not satisfy the agency's request because Honeyman is not a medical doctor or an expert in assessing mental health. Moreover, because Honeyman's opinion offers little or no explanation and does not address Ridle's behavior on May 13, 2001 or her admission to OHSU, it is not persuasive evidence of Ridle's fitness to teach. *See, e.g., Somers v. SAIF*, 77 Or App 259 (1986) (recognizing that conclusory and unexplained medical opinions are entitled to little weight).

Consequently, on this record, given Ridle's failure to submit evidence from a licensed physician indicating that she is mentally healthy and fit to serve as a teacher, TSPC is entitled to deny her application for renewal. In addition, her failure to furnish this documentation constitutes gross neglect of duty under OAR 584-020-0040(4)(p).

ORDER

I propose the Teacher Standards and Practices Commission issue the following order:

The January 6, 2005 application of Heather Adelma Ridle for renewal of her educator license is denied.

Alison Greene Webster

Alison Greene Webster, Administrative Law Judge
Office of Administrative Hearings

MAILING AND ISSUE DATE: November 8, 2006

EXCEPTIONS

The proposed order is the Administrative Law Judge's recommendation to the Teacher Standards and Practices Commission. If you disagree with any part of this proposed order, you may file written objections, called "exceptions," to the proposed order and present written argument in support of your exceptions. Written argument and exceptions must be filed **within fourteen (14) days after mailing of the proposed order** with the:

Teacher Standards and Practices Commission
465 Commercial Street, NE
Salem, Oregon 97301

The Commission need not allow oral argument. The Executive Director may permit oral argument in those cases in which the Director believes oral argument may be appropriate or helpful to the Commissioners in making a final determination. If oral argument is allowed, the Commission will inform you of the time and place for presenting oral argument.

**APPENDIX A
LIST OF EXHIBITS CITED**

- Ex. A1: Special Report by Portland Police Officer Sarah Taylor, dated 5/13/2001
- Ex. A2: Discharge of Patient from Hospital Against Medical Advice, dated 5/20/01
- Ex. A4: Letter to Attorney Olney from Lawrence H. Sacks, MD, dated 6/5/01
- Ex. A5: Letter to Ridle from Jack Reeves, Superintendent Woodburn Schools, dated 8/22/01
- Ex. A7: Letter to Nisbet from Ridle, dated 7/5/01
- Ex. A8: Portland Hilton Incident Report, dated 5/13/01
- Ex. A14: Application for Educator License Form C-1, dated 1/6/05
- Ex. E7: Transcript of TSPC Investigative Interview, dated 5/11/05
- Ex. E12: Letter from Usha Honeyman, DC, dated 1/20/06

CERTIFICATE OF SERVICE

I certify that on November 8, 2006, I served the attached Proposed Order by mailing in a sealed envelope, with first class certified postage prepaid, a copy thereof addressed as follows:

HEATHER RIDLE
PO BOX 56674
PORTLAND OR 97238

SUSAN NISBET
TEACHERS STANDARDS AND PRACTICES
465 COMMERCIAL ST NE
SALEM OR 97301

JEFFREY L DOVER
ASSISTANT ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
1162 COURT ST NE
SALEM OR 97301-4096

Pamela Arcari

Pamela Arcari, Administrative Specialist
Office of Administrative Hearings