

I, Maggie Pazar certify that on May 21, 2008, I mailed a copy of this document, certified & postage prepaid, to all parties or their counsel of record. I certify under penalty of perjury, under the laws of the state of Washington, that the foregoing is true and correct.

IN THE MATTER OF THE EDUCATION)
CERTIFICATE OF)
MELYSSA ROBERTS)
CERTIFICATE NO. 338777F)
_____)

OPP No. D05-03-028
FINAL ORDER OF
REVOICATION

COMES NOW Gene Sharratt, Review Officer of the Office of Superintendent of Public Instruction (OSPI), having reviewed the files of the above-referenced case, and having considered the arguments of each party and the recommendation of the Admissions and Professional Conduct Advisory Committee, does hereby order that the Washington Education Certificate, No. 338777F, of Melyssa Roberts be revoked based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Melyssa Roberts was issued a Washington Education Certificate, No. 338777F, on June 26, 1995. That certificate currently remains valid.
2. Melyssa Roberts was employed by the Bellingham School District.
3. On March 16, 2005, the Office of Professional Practices, within OSPI, received a complaint letter from the Superintendent of the Bellingham School District alleging a lack of good moral character or personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87, by Melyssa Roberts.

4. During the 2004 school year, Melyssa Roberts used heroin.

5. Around the end of September or early October, 2004, Melyssa Roberts allowed former special education student, Z.V., who was no longer enrolled with the Bellingham School District, but still eligible for services, to move into her home and sleep on a mattress in her bedroom. During this time, she admitted to both using heroin with, and purchasing heroin from Z.V.

6. That on or about November 19, 2004 Melyssa Roberts accompanied Z.V. to a residence to purchase illegal drugs. While at that house, she had contact with P.M., a prior male student at Sehome High School. P.M. had served as a teaching assistant to Melyssa Roberts in the past, and observed Ms. Roberts using drugs along with Z.V.

7. During the fall of the 2004/2005 school, Melyssa Roberts had repeated contact with Z.V. in the parking lot of Whatcom Middle School where she was teaching. This contact occurred during the lunch portion of the school day, where Melyssa Roberts gave Z.V. money to purchase drugs, and loaned him the use of her car.

8. During the 2004 school year, Melyssa Roberts was under the influence of heroin at her residence while students from the school district were present visiting her children.

9. On January 10, 2005, Melyssa Roberts was placed on paid administrative leave by the Bellingham Public School District.

10. On January 11, 2005, Melyssa Roberts submitted a request to be placed on medical leave under the Employee Assistance Program.

11. On February 17, 2005, Melyssa Roberts was sent a letter from the Bellingham Public School District, advising her that she would continue on paid administrative leave until March 4, 2005, and would need to continue with her treatment program.

12. On February 4, 2005, Melyssa Roberts was discharged after successful completion of a twenty-one day inpatient treatment program at the Sundown M Ranch, followed by a twelve week intensive out-patient program with Catholic Community Services in Bellingham.

13. On March 7, 2005, Melyssa Roberts entered into a settlement agreement with the Bellingham School District.

14. On March 7, 2005, Melyssa Roberts submitted a letter of resignation, effective June 30, 2005.

15. On October 18, 2007, OPP received a from Ms. Roberts' attorney, a copy of a letter from Licensed Psychologist T. Christopher Portman, Ph.D. dated August 28, 2007 stating that Ms. Roberts had been clean and sober for all of the past year and has attended support groups regularly. Dr. Portman states Ms. Roberts in functioning well in all important areas of her life.

16. On October 18, 2007, OPP received from Ms. Roberts' attorney, a copy of a UA report from Redwood Toxicology Laboratory, taken on September 25, 2007, from Melyssa Roberts, and reported on September 28, 2007. The report showed that the UA sample was diluted, and was not a valid test.

17. In an attempt to get a valid drug test from Ms. Roberts, she was contacted by OPP, through her attorney and requested to provide a hair follicle test administered by, Sterling Resource Laboratories, where a diluted sample would not be an issue.

18. On November 20, 2007, OPP received a letter from Ms. Roberts' attorney advising that he had spoken to his client on November 14, 2007, and she had indicated that she had a delay in submitting to a test at Sterling Resource Laboratories in Seattle due to transportation issues. She advised him she would be able to submit a sample during the week following the Thanksgiving holiday.

19. As of January 16, 2008, OPP has not received any results of successful drug testing from Melyssa Roberts, or her attorney.

20. Good moral character and personal fitness is a continuing requirement to maintain a Washington Education Certificate.

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Melyssa Roberts and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that Washington Education Certificate, No. 338777F, of Melyssa Roberts, should be revoked as provided for in WAC 181-86-075.
3. Melyssa Roberts has violated WAC 181-87-060, 181-86-013 and/or 181-86-014.

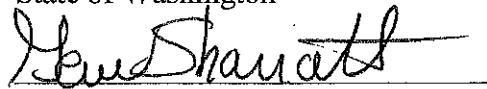
ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 338777F, of Melyssa Roberts, be revoked.

This Order will become final thirty (30) calendar days from the date of receipt of this order unless respondent files an appeal for a formal hearing before the Office of Administrative Hearings. Please direct the appeal and request for formal hearing to Office of Superintendent of Public Instruction, Administrative Law Office, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200.

DATED this 21st day of May, 2008.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington


DR. GENE SHARRATT
Review Officer