

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON

3 In the Matter of the) STIPULATION OF FACTS
4 Educator License of) AND FINAL ORDER OF
5 MICHAEL C. STASACK) PUBLIC REPRIMAND
6) AND PROBATION
7

8 On January 27, 2020, the Teacher Standards and Practices Commission
9 (Commission) received a misconduct report indicating possible professional
10 misconduct on the part of licensed educator, Michael C. Stasack, (Stasack).

11 After review of the matters alleged, Stasack and the Commission agree that
12 their respective interests, together with the public interest, are best served by a
13 stipulation to certain facts the imposition of a public reprimand and 2 years
14 probation of Stasack.

15 This Order sets forth the facts upon which the parties have agreed and the
16 sanction to be imposed. Stasack stipulates that there are sufficient facts contained in
17 the Commission's files and records to support the findings of fact and conclusions of
18 law set forth below. In entering into this stipulation, Stasack waives the right to a
19 hearing to contest the findings of fact, conclusions of law and order set forth below.

20 By signing below, Stasack acknowledges, understands, stipulates, and agrees
21 to the following: (i) he has been fully advised of his rights to notice and a hearing to
22 contest the findings of fact, conclusions of law, and order set forth below, and fully
23 and finally waives all such rights and any rights to appeal or otherwise challenge this
24 Stipulation of Facts and Final Order of Suspension and Probation (Stipulation and
25 Final Order); (ii) this Stipulation and Final Order is a public document and disclosed
26 to the public upon request by the Commission; (iii) this Stipulation and Final Order
27 is contingent upon and subject to approval and adoption by the Commission. If the
28 Commission does not approve and adopt this Stipulation and Final Order, then
29 neither Stasack nor the Commission are bound by the terms herein; (iv) he has fully
30 read this Stipulation and Final Order, and understands it completely; (v) he
31 voluntarily, without any force or duress, enters into this Stipulation and Final Order
32 and consents to issuance and entry of the Stipulated Final Order below; (vi) he states
33 that no promise or representation has been made to induce him to sign this
34 Stipulation and Final Order; and (vii) he has consulted with an attorney regarding
35 this Stipulation and Final Order and has been fully advised with regard to his rights

1 thereto, or waives any and all rights to consult with an attorney prior to entering into
2 this Stipulation and Final Order and issuance and entry of the Stipulated Final Order
3 below.

4 **STIPULATION OF FACTS**

- 5 1. The Commission has licensed Stasack since August 1, 1989. Stasack held a
6 Professional Teaching License, with endorsements in World Language: French
7 and Elementary Multiple Subjects (PK-12), valid from June 12, 2017, through
8 October 8, 2021. During all relevant times, Stasack was employed by the Eugene
9 4J school district (E4J) as an elementary teacher at Gilham Elementary School,
10 (GES). Stasack chose to retire on January 1, 2020, after 30 years of teaching.
11
- 12 2. On January 27, 2020, the Commission received a District Misconduct report
13 alleging Stasack had inappropriate physical contact with a female student, DB. A
14 concerned parent reported that DB and another student were not allowed to eat
15 in Stasack's classroom. Also, that Stasack placed both arms around DB, and
16 pulled DB towards him. Another parent reported to E4J that Stasack had grabbed
17 her daughter by the hood of her jacket and pulled her back. Additionally, a third
18 parent reported that Stasack frequently pushed her daughter's hair behind her
19 ear if her hair is in her face and told her how "cute" she is.
20
- 21 3. The district investigation determined that the general nature of the allegations,
22 inappropriate physical contact with students, was substantiated. Stasack
23 admitted that he does occasionally grab student's hoods and stated that while he
24 doesn't initiate hugs with students, sometimes students come to him for hugs,
25 and he gives them. With regards to DB and the other student not being allowed
26 to eat in his class, Stasack indicated that he was not aware that eating in the
27 classroom immediately after lunch was allowed per the DB's 504. Stasack
28 reported this was an oversight on his part and was not intentional. Stasack added
29 that the intent of his inquiry into why the student was eating was to verify that DB
30 and CK, who were very close friends and sat next to each other, weren't using the
31 lunch time provided in the cafeteria as social time rather than time to eat.
32 Stasack reports that this is a common occurrence in elementary schools. The
33 district issued Stasack a Letter of Reprimand on February 27, 2020, which
34 directed that he be sensitive to student's personal space and avoid touching

1 students. Stasack reports that he followed this directive. In discussion with his
2 teaching team, he said they decided to limit student hugs to “side hugs”, and that
3 he held a clipboard to create distance between him and students to avoid hugs
4 altogether.

5
6 On March 16, 2020, the E4J received a complaint from the parent of a female
7 student, CK. The complaint alleged that Stasack had placed CK on his lap while
8 she was in front of the class doing a demonstration. The parent alleged that
9 Stasack’s hands were around her waist while she was on his lap. When the district
10 interviewed Stasack about this allegation, he admitted that CK had sat on his legs
11 while he was in a seated position on a chair, but stated that he had not placed her
12 there and that he did not put his hands on her waist. Stasack reported that CK
13 had asked to sit on his lap and then just climbed on unexpectedly and of her own
14 volition. Stasack reported that CK was there for approximately one minute.
15 Stasack stated he didn’t want to make CK uncomfortable, so he did not remove
16 her. He also noted that this happened months earlier in October and CK was not
17 upset by the interaction. She continued to be happy and productive in class and
18 in her interactions with Stasack. Furthermore, CK wanted to remain in his class
19 after the initial complaint by the parents of DB in January, though CK was
20 offered alternatives. The letter of complaint to TSPC from the parents of CK
21 happened only in March, immediately after Stasack spoke to CK about a concern
22 in which she was eating in class right after lunch even though this
23 accommodation was not and is not included in her 504.


24
25 During an interview with Commission investigative staff on December 21, 2020,
26 Stasack admitted to having physical contact with students and stated that he had
27 given students hugs. Stasack indicated that they were always student initiated.
28 Stasack reported that it was possible he had grabbed or pulled on a student’s
29 hoodie, but indicated his intent was never to hurt a student. Stasack denied ever
30 touching a student’s hair, and reported that CK did sit on his legs, but she had
31 initiated it. Stasack reported it was partly his responsibility to help students set
32 classroom boundaries, but also reported that elementary students need various
33 types of physical contact. He often lets the students set the boundaries within
34 acceptable limits, but the starting point is nothing more than high 5’s or

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

handshakes.

In a follow up interview on 02/01/2022 that Stasack requested, he elaborated he had never had a student sit on his knees, legs or lap prior to this student, or after. Stasack added that the other three female teachers in the fourth-grade team all treated students similarly and accepted hugs offered from them. He also stated that an Educational Assistant, SH, reported to his teaching partner, LR, that she had overheard DB and CK in the hallways after lunch one day say that they "could do anything" they want in this school because they had 504's. Stasack indicated that while this is a delicate issue, he feels strongly that there are double standards in the field of education.


IT IS SO STIPULATED:



Michael C. Stasack

3/14/2022

Date



Trent Danowski, Deputy Director
Teacher Standards and Practices Commission

03/21/2022

Date

CONCLUSION OF LAW

The conduct described in sections two (2), and three (3) above constitutes 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)(e) (Using district lawful and reasonable rules and regulations); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and conversations at all times*).

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

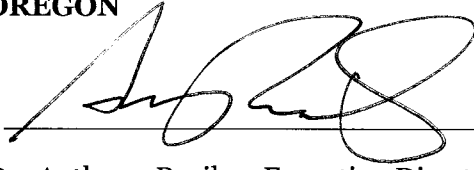
ORDER

The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a Public Reprimand and a two (2) year period of probation to commence upon any reinstatement of Michael C. Stasack's Oregon educator license.

1
2
3
4
5
6

Issued and dated this 1 day of April, 2022.

TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON

By  _____

Dr. Anthony Rosilez, Executive Director