

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

4
5 **STIPULATION OF FACTS**

- 6 1. The Commission has licensed Daw since March 21, 2002. Daw holds a
7 Preliminary Teaching License, with an endorsement in Elementary – Multiple
8 Subjects (PK-12), valid from March 5, 2022, through March 4, 2025. During all
9 relevant times, Daw was employed by the Three Rivers School District (TRSD).
10
- 11 2. On February 17, 2022, the Commission received a misconduct report from the
12 TRSD indicating Daw may have committed acts which constitute gross neglect of
13 duty and/ or gross unfitness. The TRSD reported that on February 4, 2022, Daw
14 consumed alcohol prior to attending a sporting event at North Valley High School
15 (NVHS), TRSD; that Daw consumed alcohol on campus at NVHS; and that Daw’s
16 behavior during and after the sporting event required intervention by local law
17 enforcement.
18
- 19 3. Investigation found that sometime in the late morning and into the late afternoon
20 of February 4, 2022, Daw consumed at least two glasses of wine. Just prior to
21 departing from her residence, Daw had what she referred to as a “buzz” from the
22 alcohol. At approximately 4:00 PM, Daw drove to North Valley High School to
23 attend a junior (JV) varsity basketball game and a varsity basketball game. One of
24 Daw’s sons was to play in the JV game and another son was to play in the varsity
25 game.
26
- 27 4. During the first basketball game, the JV game, Daw and a game official had an
28 interaction regarding a call made by an official. It was reported Daw’s interaction
29 was verbal, unwarranted, and delayed the continuation of the game before the
30 matter was resolved. After the JV game, Daw left the campus by car to pick up
31 some food for her son, who had just finished playing in the JV game. While at the
32 store, Daw purchased food and two (2) cans of wine. Daw returned to the NVHS
33 campus. At some point prior to Daw entering the gymnasium, Daw had
34 consumed one (1) can of wine.
35

- 1 5. During the first quarter of the varsity game, a game official stopped the game,
2 spoke with the NVHS principal, and ejected Daw from the game for her berating
3 an official. While Daw was leaving the gymnasium, she continued yelling at the
4 official. The principal stood between Daw and the official to prevent the matter
5 from escalating. The game resumed and Daw remained in the doorway of the
6 gymnasium, in view of the attendees, and spoke with the principal. During this
7 conversation, which lasted approximately seven to eight (7-8) minutes, Daw was
8 informed by the principal several times that she needed to leave the campus. Daw
9 did not comply with the principal's requests. The principal advised Daw he would
10 seek assistance from law enforcement if Daw failed to leave. Daw remained at the
11 venue. The principal contacted the Josephine County Sheriff's Department
12 (JCSD). A sheriff's deputy arrived on scene and escorted Daw to Daw's car and
13 Daw left the campus. Daw's departure from campus occurred at approximately
14 the same time as the varsity game's halftime period.
- 15
- 16 6. After Daw momentarily left the campus, she returned to campus in her car. While
17 sitting in her vehicle on campus, Daw consumed the other can of wine. Daw went
18 back to NVHS and requested to use the restroom inside. Staff permitted this. The
19 principal contacted the JCSD to report Daw's return to campus. Daw remained in
20 the restroom long enough for staff to feel the need to knock on the locked
21 restroom door to check on her. After a few minutes, Daw left the restroom, and a
22 staff member noticed the smell of alcohol coming from Daw's person. At
23 approximately 9:15 PM, Daw left the building and remained on campus. When
24 the JCSD deputies arrived, they contacted Daw and smelled alcohol on her
25 person. Daw was placed in handcuffs and transported to a local hospital for a
26 blood draw to determine her blood alcohol content. Daw's blood alcohol content
27 was reported to be 0.08%.
- 28
- 29 7. The district's investigation determined that Daw's conduct on February 4, 2022,
30 was in violation of district policy. On February 17, 2022, Daw was given a letter of
31 reprimand and a ten (10) day suspension without pay.
- 32
- 33 8. On October 15, 2022, Daw provided the Commission medical information
34 showing she had participated in an out-patient substance abuse treatment
35 program, and successfully completed the program.

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3 ////

4 IT IS SO STIPULATED:

5 Michelle Daw
6 Michelle Daw (Dec 12, 2022 11:38 PST)
7 Michelle L. Daw
8 Trent Danowski
9 Trent Danowski, Deputy Director
10 Teacher Standards and Practices Commission
11

Dec 12, 2022
Date
12/12/2022
Date

12
13 **CONCLUSION OF LAW**

14 The conduct described above constitutes gross neglect of duty in violation of ORS
15 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
16 *professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable*
17 *rules and regulations*), and OAR 584-020-0040(4)(g) (*Appearing on duty or at any*
18 *district-sponsored activity while under the influence alcohol or any controlled*
19 *substance*).

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

22
23 **ORDER**

24 The Commission adopts and incorporates herein the above findings of fact and
25 conclusions of law, and based thereon, imposes a public reprimand upon Michelle L.
26 Daw's Oregon educator license.

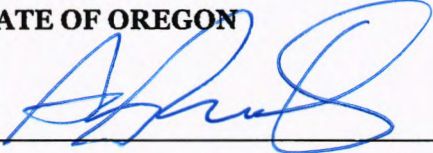
27 Furthermore, the Commission imposes a period of two (2) years of probation
28 upon Daw's licensure to commence from the date this order is signed by the Commission
29 and subject to the following condition:

- 30 1. Daw shall comply with the Standards for Competent and Ethical Performance of
31 Oregon Educators under Oregon Administrative Rules Chapter 584, Division
32 020.
33 2. During the probation period, Daw shall continue to participate in any ongoing
34 outpatient treatment or counseling until receiving a recommendation that it is no
35 longer necessary, which Daw will provide documentation of to the Commission.
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Issued and dated this 3 day of February, 2023.

**TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON**

By  _____

Dr. Anthony Rosilez, Executive Director