BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS ON BEHALF OF 3 TEACHER STANDARDS AND PRACTICES COMMISSION 4 In the Matter of the Teaching License of OAH Case No. 110849 5 MICHAEL KEITH PLOUFF FINAL ORDER BY DEFAULT 6 7 On March 11, 2003, the Teacher Standards and Practices Commission (Commission) 8 issued a Notice of Opportunity for Hearing to Michael Keith Plouff, in which the Commission 9 proposed to revoke Mr. Plouff's right to apply for an Oregon Teaching License. Mr. Plouff 10 requested a hearing. A hearing was scheduled before Administrative Law Judge Michael Duane Brown at 9 a.m. on January 13, 2004. Mr. Plouff failed to appear at the scheduled time and place 11 12 of the hearing. The Notice of Opportunity for Hearing informed Mr. Plouff that if he failed to appear at 14 15 16

the hearing the Commission would adopt an order of default and that the records contained the files of the Commission would automatically become a part of the contested case record upon default for purposes of proving a prama facie case. The Commission, therefore, finds Mr. Plouff in default and enters the following findings of fact, conclusions of law and order, based on the files and records of the Commission concerning this matter.

FINDINGS OF FACT

- 20 1. Michael Keith Plouff held a Basic Oregon Teaching License from July 1985 until 21 July 9, 2002 when the license expired.
- 22 2. Mr. Plouff was employed as a teacher at the Kelly Middle Schools in Eugene,
- 23 Oregon, from 1985 until June 12, 2002 when he resigned his position with the district.

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- 3. In the fall of 2000, Mr. Plouff's supervising principal, Jane Harrison, began receiving complaints from staff members that they smelled alcohol on Mr. Plouff's breath. In March 2001, Ms. Harrison, sent a memo to Mr. Plouff expressing concern about the complaints 3 and recommending that Mr. Plouff seek help from an alcohol treatment provider. Mr. Plouff 4 denied that he had a drinking problem or that he had appeared at work after consuming alcohol. 5 6 4. In 2001, Mr. Plouff worked in a summer school program. There were complaints from the summer school staff about Mr. Plouff's level of cooperation and the odor of alcohol on 7 8 Mr. Plouff. 9 5. In August 2001, Tim Rochholz became principal at Kelly Middle Schools. 10 Mr. Rochholz wrote a memo to Mr. Plouff concerning the complaints from summer school staff 11 and putting Mr. Plouff on notice that coming to work while smelling of alcohol would not be
 - 6. During the fall of 2001, there were additional complaints from staff who believed that Mr. Plouff smelled of alcohol. Mr. Plouff's work performance deteriorated. He was absent during 16 of the first 40 days of school. He did not maintain adequate student progress records and did not leave adequate lesson plans for a substitute teacher to follow. He also did not appear for a scheduled teacher-parent conference day, even though a significant number of his students were not achieving passing grades. On November 5, 2001, Mr. Rochholz informed Mr. Plouff in writing that a doctor's note would be required for any future absences.
- 7. Following negotiations with the district, Mr. Plouff agreed and his attorney agreed that Mr. Plouff would submit to alcohol testing if the school had a credible report that he smelled of alcohol.



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tolerated.

	8.	On March 1, Mr. Plouff submitted to a breath alcohol test. He tested positive with
2	a 0.085 perce	nt blood alcohol content.
3	9.	As a result of his positive test result, Mr. Plouff was placed on a leave of absence
4	and was admi	itted to an in-patient alcohol treatment program. After completion of treatment of
5	the inpatient	program, Mr. Plouff was allowed to return to work and signed a "Last Chance"
6	Agreement with the school agreement. Part of the agreement required Mr. Plouff to abstain from	
7	the use of alc	ohol and continue with treatment through an alcohol treatment provider.
8	10.	Mr. Plouff returned to work on April 1, 2002. On April 15, he was again tested at
9	the school an	d registered a 0.012 percent blood-alcohol content. Shortly thereafter, he resigned
0	his position a	s a teacher with the district.
11	11.	On May 2, 2002, Mr. Plouff's treatment program issued a status report indicating
2	that his case was being closed because he had discontinued treatment against clinical advice.	
13		CONCLUSIONS OF LAW
14	1.	ORS 342.175 authorizes the Commission to revoke the right of any person to apply
15	for a teaching	g license if the person has held a license at any time within the previous five years.
16	2.	Mr. Plouff appeared on duty on two separate occasions while under the influence
17	of alcohol.	
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ORDER

	ORDER	
2	Based on the foregoing, the right of Michael Keith Plouff to apply for an Oregon	
3	Teaching License is revoked.	
4	IT IS SO ORDERED this 15th day of January 2004.	
5	TEACHER STANDARDS AND PRACTICES COMMISSION	
6	Michael Mamberlain	
7	Victoria Chamberlain, Executive Director	
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9	ADDEAL DIGITED AV. 111 1 111 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
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11	in Salem, Oregon within 60 days from the date of this order. Tape recordings of Administrat Hearings are retained 90 days after the date of the final order.	
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