BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 1 2 OF THE STATE OF OREGON 3 In the Matter of the STIPULATION OF FACTS AND 4 5 **Educator License of** FINAL ORDER OF SURRENDER MICHAEL BERT POLK AND REVOCATION OF 6 RIGHT TO APPLY FOR LICENSE 7 On or about January 23, 2012, the Teacher Standards and Practices Commission 8 (Commission) received a report from the Salem-Keizer School District, indicating that licensed 9 educator, Michael Polk (Polk), had committed acts of unprofessional conduct. 10 11 After review of the matters alleged, Polk and the Commission agree that their respective 12 interests, together with the public interest, are best served by a stipulation to certain facts, Polk's surrender of his Oregon educator license and the consequent revocation of Polk's right to apply 13 14 for licensure. By signing below, Polk acknowledges, understands, stipulates, and agrees to the 15 following: (i) he has been fully advised of his rights to notice and a hearing to contest the 16 17 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final 18 Order of Surrender and Revocation of Right to Apply for License (Stipulation and Final Order); 19 (ii) this Stipulation and Final Order is a public document and disclosed to the public upon 20 request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject 21 to approval and adoption by the Commission. If the Commission does not approve and adopt 22 this Stipulation and Final Order, then neither Polk nor the Commission are bound by the terms 23 24 herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order and 25 consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no 26 promises or representation has been made to induce him to sign this Stipulation and Final 27 Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order 28

and has been fully advised with regard to his rights thereto, or waives any and all rights to consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

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

STIPULATION OF FACTS

- 1. The Commission has licensed Polk since November 6, 2008. Polk previously held an Initial II Teaching License, with endorsements in Basic Mathematics (ML); English for Speakers of Other Languages (ML/HS); General Business (HS/ML); Spanish (HS,ML) Middle School Language Arts (ML); Middle School Science (ML); Middle School Social Studies; and Multiple Subjects (MIDLVL), valid May 9, 2011, through January 15, 2015. Polk did not make application for renewal. During all relevant times, Polk was employed by the Salem-Keizer School District.
- 2. On November 2, 2011, Polk was arrested on charges stemming from a law enforcement investigation regarding Polk physically assaulting his then seven-year-old daughter on October 31, 2011. The original criminal charges included Assault in the third degree (ORS 163.165), a class C felony, and Criminal Mistreatment in the First Degree (ORS 163.205), a class C felony. On March 20, 2012, Polk pled guilty to and was convicted of Criminal Mistreatment in the First Degree (ORS 163.205), a class C felony, that was reduced down to a class A misdemeanor. Polk was sentenced to five years' probation, 160 hours of community service, pay fines, and complete treatment. Polk was released from formal probation in May 2013. On February 15, 2012, Polk resigned his employment with Salem-Keizer School District. This conviction arose from allegations

1	that on October 31, 2011, Polk slapped his adopted daughter (MP) twice, causing her
2	physical injury; swelling; redness; and bruising.
3	
4	IT IS SO STIPULATED:
5 6	Michael Bert Polk Michael Bert Polk Manufer law 10-9-15
7 8 9	Victoria Chamberlain, Executive Director Teacher Standards and Practices Commission
10	
11	CONCLUSION OF LAW
12	Michael Polk engaged in unprofessional conduct as described in section two (2) above.
13	This conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-
14	0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment), OAR 584-
15	020-0040(4)(0) as it incorporates OAR 584-020-0035(3)(a) (Maintain the dignity of the
16	profession by respecting and obeying the law, exemplifying personal integrity and honesty);
17	and OAR 584-020-0040(4)(d) (Unreasonable physical force against students, fellow
18	employees, or visitors to the school, except as permitted under ORS 339.250). This conduct also
19	constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c)
20	(Conviction of violating any federal, state, or local law. A conviction includes any final
21	judgment of conviction by a court whether as the result of guilty plea, no contest plea or any
22	other means), and OAR 584-020-0040(5)(e) (Admission of or engaging in acts constituting
23	criminal conduct, even in the absence of a conviction).
24	/ / /
25	///
26	///
27	111

1	The Commission's authority to impose discipline in this matter is based upon ORS
2	342.175.
3	ORDER
4	The Commission adopts the above Stipulation of Facts and Final Order and accepts
5	Michael Polk's surrender of his Oregon educator license and subsequently revokes his right to
6	apply for licensure based upon the conduct described above.
7	is a second
8	IT IS SO ORDERED this day of Movember, 2015.
9	TEACHER STANDARDS AND PRACTICES COMMISSION
10	
11	By: Manuelan Executive Director
1 7	Victoria Chamberiain Rvecillive Lifector

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Surrender and Revocation of Right to Apply for License, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail — Return Receipt Requested, addressed to:

Michael Bert Polk 10554 SE Main St, Apt 304 Milwaukie, OR 97222-7687

DATED this

day of November, 2015.

By:

Patty Liddell

Investigative Assistant

Certificate of Mailing – Michael Bert Polk

Data Classification Level: 1 – Published

DO: Liddell