

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

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

9 **STIPULATION OF FACTS**

- 10 1. The Commission has licensed Polk since November 6, 2008. Polk previously held an
11 Initial II Teaching License, with endorsements in Basic Mathematics (ML); English for
12 Speakers of Other Languages (ML/HS); General Business (HS/ML); Spanish (HS,ML)
13 Middle School Language Arts (ML); Middle School Science (ML); Middle School Social
14 Studies; and Multiple Subjects (MIDLVL), valid May 9, 2011, through January 15, 2015.
15 Polk did not make application for renewal. During all relevant times, Polk was employed
16 by the Salem-Keizer School District.
- 17 2. On November 2, 2011, Polk was arrested on charges stemming from a law enforcement
18 investigation regarding Polk physically assaulting his then seven-year-old daughter on
19 October 31, 2011. The original criminal charges included Assault in the third degree
20 (ORS 163.165), a class C felony, and Criminal Mistreatment in the First Degree (ORS
21 163.205), a class C felony. On March 20, 2012, Polk pled guilty to and was convicted of
22 Criminal Mistreatment in the First Degree (ORS 163.205), a class C felony, that was
23 reduced down to a class A misdemeanor. Polk was sentenced to five years' probation,
24 160 hours of community service, pay fines, and complete treatment. Polk was released
25 from formal probation in May 2013. On February 15, 2012, Polk resigned his
26 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 Michael Bert Polk
6 Michael Bert Polk

7 9/12/15
8 Date

9 Victoria Chamberlain
10 Victoria Chamberlain, Executive Director
11 Teacher Standards and Practices Commission

12 10-9-15
13 Date

14 **CONCLUSION OF LAW**

15 Michael Polk engaged in unprofessional conduct as described in section two (2) above.

16 This conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-
17 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-
18 020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the*
19 *profession by respecting and obeying the law, exemplifying personal integrity and honesty*);
20 and OAR 584-020-0040(4)(d) (*Unreasonable physical force against students, fellow*
21 *employees, or visitors to the school, except as permitted under ORS 339.250*). This conduct also
22 constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c)
23 (*Conviction of violating any federal, state, or local law. A conviction includes any final*
24 *judgment of conviction by a court whether as the result of guilty plea, no contest plea or any*
25 *other means*), and OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting*
26 *criminal conduct, even in the absence of a conviction*).

27 / / /

/ / /

/ / /

/ / /

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 20th day of November, 2015.

By: Patty Liddell
Patty Liddell
Investigative Assistant

Certificate of Mailing – Michael Bert Polk

Data Classification Level: 1 – Published
DO: Liddell