

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON
3

4 In the Matter of the Educator)
5 License of)
6 ROBERT FRANK POLL)

DEFAULT ORDER OF
PUBLIC REPRIMAND

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9 On March 23, 2017, the Teacher Standards and Practices Commission (Commission)
10 issued a Notice of Opportunity for Hearing to Robert Frank Poll (Poll) in which the
11 Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First
12 Class Mail and U.S. Certified Mail Receipt 7016 0750 0000 2419 1089 to the address on file
13 with the Commission. The Notice designated the Commission file as the record for purposes
14 of proving a prima facie case. The Certified Mail receipt was returned to the Commission
15 signed. The first class mail was not returned to the Commission. The Notice of Opportunity
16 of Hearing, dated March 23, 2017, and signed by Monica Beane, Executive Director, stated:

17 “IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY
18 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
19 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
20 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU
21 FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER
22 OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF
23 YOUR LICENSE OR OTHER DISCIPLINE.”
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25 On April 5, 2017, Poll requested a hearing. A hearing was scheduled for September 18-19
26 2018. In the course of hearing preparation, Poll withdrew his request for a hearing via his
27 attorney. The Commission, therefore, finds Poll to be in default and enters the following
28 findings of fact, conclusions of law, and final order, based on the files and records of the
29 Commission concerning this matter.

30 **FINDINGS OF FACT**

- 31 1. Poll has been licensed by the Commission since August 16, 1995. Poll holds a
32 Professional Teaching License, with endorsements in Integrated Science (PK-12)
33 and Physical Education (PK-12), valid from October 18, 2016, through October
34 17, 2021. During all relevant times, Poll was employed by the Jackson County
35 School District.
- 36 2. On March 6, 2015, the Commission received a report indicating Poll allegedly
37 violated of professional standards, specifically, testing improprieties related the

1 administration of an Oregon Assessment of Knowledge and Skills (OAKS) science
2 test.

- 3 3. Investigation determined that between December 18, 2014, and February 9, 2015,
4 Poll was provided materials and training related to the proper administration of
5 the OAKS Science test. On January 26, 2015, Poll signed the Test Administrator
6 Assurance of Test Security form. On February 9, 2015, after the students had
7 completed the OAKS testing Poll administered, Poll conducted a lesson with
8 tested students titled "OAKS Debrief Activity". Sections of Poll's worksheet
9 required students to write down test items they remembered from the OAKS test,
10 collaborate with peers about test questions, and inform Poll of test questions or
11 topics students had questions about. Poll conducted this follow up lesson with the
12 intent to re-teach the test items prior to any subsequent testing attempts. The
13 Oregon Department of Education reviewed the school district's report of a
14 possible testing impropriety and concluded that Poll's debriefing activities were
15 testing improprieties that violated the requirements of the testing administration
16 manual which prohibits any review or discussion of test content for any reason.
17 Because Poll's debriefing activities occurred after the students had completed the
18 testing, the student's test results were not invalidated. As a result of Poll's
19 conduct, the school district issued Poll a reprimand to include a one day, unpaid
20 suspension.

21 **CONCLUSIONS OF LAW**

22 Robert Frank Poll's conduct, as described above, constitutes Gross Neglect of Duty in
23 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
24 0010(5) (*Use professional judgment*), OAR 584-020-0015(2)(e) (*Skill in the selection and*
25 *use of teaching techniques conducive to student learning*), and OAR 584-020-0025(2)(e)
26 (*Using district lawful and reasonable rules and regulations*).


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28 The Commission's authority to impose discipline in this matter is based upon ORS
29 342.175.

1 **FINAL ORDER**

2 The Commission hereby issues a Public Reprimand upon Robert Frank Poll's
3 Educator licensure.

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6 IT IS SO ORDERED THIS 13th day of June, 2018.

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8 TEACHER STANDARDS AND PRACTICES COMMISSION
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10 By: 
11 Dr. Anthony Rosilez, Executive Director
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15 NOTICE OF APPEAL OR RIGHTS
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17 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
18 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
19 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
20 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.