1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 In the Matter of the STIPULATION OF FACTS AND 4 **Educator License of**) FINAL ORDER OF SUSPENSION 5 MICHAEL D. SHINKLE 6 On or about April 24, 2017, the Teacher Standards and Practices Commission (Commission) 7 received a report from the Crook County School District alleging professional misconduct on the part 8 of licensed educator, Michael D. Shinkle (Shinkle). 9 After review of the matters alleged, Shinkle and the Commission agree that their respective 10 interests, together with the public interest, are best served by a stipulation to certain facts, the 11 imposition of a ninety (90) day suspension of Shinkle's Oregon educator license, and a four (4) year 12 period of probation to commence upon reinstatement of Shinkle's Oregon educator license. 13 This document sets forth the facts upon which the parties have agreed and the stipulated 14 sanction to be imposed. Shinkle stipulates that there is sufficient evidence in the Commission's files 15 and records to support the findings of fact, conclusions of law, and order set forth below. 16 By signing below, Shinkle acknowledges, understands, stipulates, and agrees to the following: 17 (i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact, 18 conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights 19 to appeal or otherwise challenge this Stipulation of Facts and Final Order of Suspension and 20 Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and 21 disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is 22 contingent upon and subject to approval and adoption by the Commission. If the Commission does 23 not approve and adopt this Stipulation and Final Order, then neither Shinkle nor the Commission are 24 bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it 25 completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order 26 and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no promises 27 or representation has been made to induce him to sign this Stipulation and Final Order; and (vii) he 28 has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised

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

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STIPULATION OF FACTS

- 5 1) Shinkle has been licensed as an Educator in Oregon since August 4, 1998. Shinkle holds a
- 6 Professional Teaching License, with endorsements in Career Trades Generalist (PK-12) and Legacy
- Middle Level (PK-12), valid from May 23, 2015, through May 22, 2020. During all relevant times,
- 8 Shinkle was employed by the Crook County School District.
- 9 2) On April 24, 2017, the Commission received a school district report of possible misconduct on the
- part of Shinkle, to include inappropriate physical interaction with a student. On August 7, 2017,
- the Commission received an additional school district report that repeated the first report and
- provided some updated information and possible additional misconduct on the part of Shinkle.
- 13 3) Investigation determined that on March 2, 2017, Shinkle, who coaches middle school wrestling,
- engaged in a verbal and physical altercation with a student athlete, GS, during wrestling practice.
- 15 Student GS is Shinkle's 12 year old son. Shinkle was placed on administrative leave while school
- 16 officials investigated the incident. Local law enforcement and the Department of Human Services
- 17 (DHS) were contacted and also conducted investigations. DHS founded their investigation as
- 18 related to possible child abuse, and law enforcement filed charges against Shinkle for attempted
- assault and harassment. On July 12, 2017, Shinkle plead guilty to one count of misdemeanor
- 20 harassment, ORS 166.065, and was sentenced to 18 months' probation.
- 21 4) In the course of the subsequent investigations it became evident that Shinkle was struggling with
- 22 alcohol dependency. Shinkle's alcohol dependency has resulted in a 2016 conviction for a DUII as
- well as contributed to other family and professional issues. On March 8, 2017, Shinkle entered
- into treatment for his dependency issues, which he successfully completed on November 14,
- 25 2017. In July 2017, Shinkle's divorce became final and his now ex-wife moved his son out of state.

- 1 According to Shinkle, these events contributed to his relapse that resulted in Shinkle's eventual
- 2 hospitalization. In September 2017, Shinkle began additional counseling and attending regular
- 3 Alcoholic Anonymous meetings and has reportedly remained sober since.
- 5) Crook County School District issued Shinkle a Written Reprimand related to his conduct that included a five day suspension without pay upon his return to employment. In addition, the district issued Shinkle a last chance agreement to begin upon his return to employment.

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IT IS SO STIPULATED:

9 ///w/haul 10 Michael D. Shinkle

Trent Dahowski, Deputy Director

Teacher Standards and Practices Commission

 $\frac{2-23-18}{\text{Date}}$ $\frac{2/28/18}{}$

Date

CONCLUSIONS OF LAW

Michael D Shinkle's conduct described above constitutes gross neglect of duty in violation of ORS 342.175(1)(b) and (d); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and regulations), OAR 584-020-0030 (2)(b)(Skill in communicating with administrators, students, staff, parents, and other patrons); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a)(Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty); and OAR 584-020-0040(4)(d) (Unreasonable physical force against students, fellow employees, or visitors to the school, except as permitted under ORS 339.250). This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c);OAR 584-020-0040(5)(c) (Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means); and OAR 584-020-0040(5)(e) (Admission of, or engaging in acts constituting criminal conduct, even in the absence of a conviction).

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1	The Commission's authority to impose discipline in this matter is based upon ORS 342.175.
2	ORDER
3	The Commission hereby adopts and incorporates herein the above stipulation of facts,
4	conclusions of law, and based thereon hereby imposes a ninety (90) day suspension upon Shinkle's
5	Oregon educator license as follows:
6	Michael D Shinkle's Oregon educator license is hereby suspended for ninety (90) days
7	following the adoption of this order.
8	Furthermore, the Commission imposes a period of four (4) years of probation upon Shinkle to
9	commence upon reinstatement of his license and subject to the following terms and conditions of
10	probation:
11	1. Shinkle shall comply with the Standards for Competent and Ethical Performance of Oregon
12	Educators under Oregon Administrative Rules Chapter 584, Division 020.
13	2. During the first two years of probation, Shinkle will continue attending counseling as
14	recommended by his provider, and continue to regularly participate in an alcohol
15	dependency recovery program comparable to an Alcoholics Anonymous 12-step program.
16	3. Shinkle will provide written progress / status reports to the Commission every 3 months
17	during the first two years of the probation period. These reports shall demonstrate
18	compliance with section two (2) of probation above.
19	Violation of any term or condition of probation shall constitute an independent basis for the
20	Commission to revoke Shinkle's educator license or otherwise impose discipline, after first providing
21	Shinkle with notice and opportunity for hearing.
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23	IT IS SO ORDERED this day of April, 2018.
24	TEACHER STANDARDS AND PRACTICES COMMISSION
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26 27	By: Dr. Anthony Rosilez, Executive Director