

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

4 In the Matter of the Educator License of       )       DEFAULT ORDER  
5 MICHAEL JOHN ENGLISH                         )       OF SUSPENSION  
6   )       AND PROBATION  
7  
8

9           On April 25, 2016, the Teacher Standards and Practices Commission (Commission) issued a  
10 Notice of Opportunity for Hearing to Michael John English (English) in which the Commission  
11 charged him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S.  
12 Certified Mail Receipt 7015 0640 0004 7539 8254 to the address on file with the Commission. The  
13 Notice designated the Commission file as the record for purposes of proving a prima facie case. The  
14 Certified Mail receipt was returned "Unclaimed" to the Commission on May 23, 2016. The regular,  
15 first class mail was not returned to the Commission and is assumed to have been delivered. The  
16 Notice of Opportunity of Hearing, dated April 25, 2016, and signed by Victoria Chamberlain, the  
17 executive director at that time, stated:

18           "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD,  
19 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR  
20 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF  
21 YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE  
22 COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE  
23 REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."  
24

25   On May 3, 2016, English requested a hearing. On October 25, 2016, while in the process of setting  
26 pre-hearing dates, English withdrew his request for a hearing. The Commission, therefore, finds  
27 English to be in default and enters the following findings of fact, conclusions of law, and final order,  
28 based on the files and records of the Commission concerning this matter.  
29

30                   **FINDINGS OF FACT**

- 31 1. Michael John English has been licensed by the Commission since September 3, 1976. English  
32 holds a Standard Teaching License, with endorsements in Standard Exceptional Learner I (018)  
33 and Standard Social Studies (020), valid from September 17, 2013, through September 16, 2018.  
34 During all relevant times, English was employed by the Fern Ridge School District.
- 35 2. On November 5, 2014, the Commission received a report from the Fern Ridge School District  
36 alleging English violated professional standards and practices. The resulting District and  
37 Commission investigations determined:
- 38       a. On or about October 13, 2014, English (in response to some physical movements a  
39 male student did) responded by saying "Don't do that. That's a black chick thing".

1 Witnesses advised that English made this comment two times in the presence of the  
2 entire classroom, which included at least one African-American student. In response  
3 to the school district's investigation, English generally admitted to making the  
4 comment but advised he used the term "Black chick groove" and was intending to  
5 transition the subject to discuss stereotypes but was unable to before class time ran  
6 out.

7 b. On February 10, 2016, a Commission investigator requested that English participate  
8 in an interview regarding the allegation. English responded stating that he would be  
9 refusing to be interviewed despite the possibility he could be in violation of  
10 Commission rules that require interview participation.

11 3. In November 2014, English resigned his employment with Fern Ridge School District.  
12

### 13 CONCLUSIONS OF LAW

14 English's conduct described above constitutes gross neglect of duty in violation of ORS  
15 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1) (*Recognize the*  
16 *worth and dignity of all persons and respect for each individual*), OAR 584-020-0010(5) (*Use*  
17 *professional judgment*), OAR 584-020-0025(1) (*The competent educator is a person who*  
18 *understands students and is able to relate to them in constructive and culturally competent ways.*  
19 *The competent educator establishes and maintains good rapport*), OAR 584-020-0030(2)(b) (*Skill*  
20 *in communicating with administrators, students, staff, parents, and other patrons*); and OAR 584-  
21 020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult*  
22 *boundaries with students in conduct and conversations at all times*).  
23

24 The Commission's authority to impose discipline in this matter is based upon ORS 342.175.  
25

### 26 FINAL ORDER

27  
28 The Commission hereby suspends Michael John English's Oregon educator license for a  
29 period of thirty (30) days, to begin upon the date this order is signed and in effect. In addition, the  
30 Commission places English on probation for a period of four years to commence upon reinstatement  
31 of his Oregon educator license. This probation period is subject to the following terms and  
32 conditions:

- 33 1. English shall comply with the Standards for Competent and Ethical Performance of  
34 Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

1           2. English will submit proof that he successfully completed a Commission approved  
2           course on cultural competency prior to any reinstatement.  
3

4           Violation of any term or condition of probation shall constitute an independent basis for the  
5 Commission to revoke English's Oregon educator license or otherwise impose discipline, after first  
6 providing English with notice and opportunity for hearing.  
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8 IT IS SO ORDERED THIS 27<sup>th</sup> day of October, 2016.

9           TEACHER STANDARDS AND PRACTICES COMMISSION

10           By: Monica Beane  
11           Monica Beane, Executive Director  
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13  
14

15                           NOTICE OF APPEAL OR RIGHTS

16  
17 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE  
18 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF  
19 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO  
20 THE OREGON COURT OF APPEALS.