



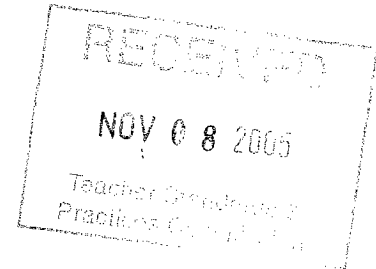
Ken Noah, Superintendent

## Gresham-Barlow School District No. 10 Jt.

1331 NW Eastman Parkway, Gresham, OR 97030-3825  
www.gresham.k12.or.us

Phone (503) 618-2450  
Fax (503) 661-1589

November 4, 2005



Vickie Chamberlain  
Teacher Standards and Practices Commission  
465 Commercial St. NE  
Salem, OR 97301

Re: Suspension of a Teaching License – Michael Gillette

Dear Ms. Chamberlain:

At last night's meeting, the Gresham-Barlow School District Board of Directors passed a resolution asking for the suspension of the teaching license of Michael Gillette.

Included with this letter are the items required under OAR 584-050-0020 for the suspension of the license, as follows:

1. Copy of the Board resolution
2. Copy of Michael Gillette's contract

The applicable collective bargaining agreement is available on our website at <http://district.gresham.k12.or.us/staff/humanresources/liccollbargagree.html>.

There is no provision in the collective bargaining agreement allowing for the resignation of a teacher.

We respectfully request that the license of Michael Gillette be suspended.

Thank you for your attention to this matter.

Sincerely,

Ken Noah  
Superintendent

KN:lc

Enc.

c: Stephen C. Lewis, Director of Human Resources  
Michael H. Gillette, 4620 SE 79<sup>th</sup> Avenue, Portland, OR 97206

**4.1d**  
Exhibit A-1  
Page #1

---

**RESOLUTION SUSPENDING THE  
TEACHING LICENSE OF MICHAEL GILLETTE**

---

**WHEREAS**, Michael Gillette signed a contract with the Gresham-Barlow School District to be employed as a teacher for the 2005-2006 school year; and

**WHEREAS**, on October 10, 2005, Michael Gillette informed the Sam Barlow High School principal that he no longer wished to teach at Sam Barlow and that he was leaving; and

**WHEREAS**, Michael Gillette has not returned to the campus, nor taught classes at Sam Barlow since that date; and

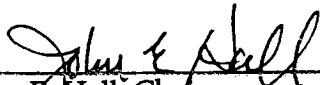
**WHEREAS**, Michael Gillette did not provide the district superintendent with 60 days' notice of his decision to leave the district; and

**WHEREAS**, the district has interpreted Michael Gillette's actions as a resignation, and on October 17, 2005, accepted the resignation, which the school board ratified at its meeting on this date; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Gresham-Barlow School Board requests that TSPC suspend the license of Michael Gillette for the balance of this school year.

Adopted this 3<sup>rd</sup> day of November, 2005.

GRESHAM-BARLOW SCHOOL DISTRICT

  
\_\_\_\_\_  
John E. Hall, Chair  
Board of Education

SCL:lc

**GRESHAM-BARLOW SCHOOL DISTRICT #10Jt**  
1331 NW Eastman Parkway  
Gresham, OR 97030

**RECEIVED**  
SEP 19 2005

**PROBATIONARY CONTRACT**  
**Licensed Staff**

It is hereby agreed between the Board of Education of School District #10, Multnomah and Clackamas Counties, State of Oregon, and the undersigned licensed staff member that the licensed staff member will teach in the schools of the district for the period indicated below. For such teaching services lawfully and properly rendered, the district will pay to the licensed staff member on the day of the month designated by the collective bargaining agreement, the amount that may be due according to this contract pursuant to the district's monthly payment plan, upon proof that the licensed staff member has made the proper reports and possesses the qualifications required by law. It is further understood and agreed that this contract is subject to the laws of the State of Oregon, any applicable collective bargaining agreement, and duly adopted rules and regulations of the district and the State Board of Education pertaining to the employment of licensed staff members and their rights, duties and obligations and the limitations imposed by the provisions of the local budget laws.

It is further understood and agreed that payment of the salary stated in this contract and the obligation of the school district thereunder is subject to the availability of funds.

**CONDITIONS OF CONTRACT FOR 2005-2006 ARE AS FOLLOWS:**

Name: MICHAEL H GILLETTE

School: SAM BARLOW HIGH

Employment to Begin: August 29, 2005

Number of Days: 192 @ 0.5 FTE

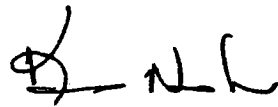
Salary Column: BA+75 / MA-N

Step: 01

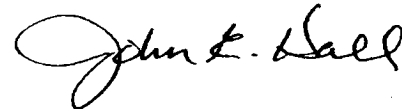
Contract Salary: \$18,523.20



Licensed Staff Member's Signature



Ken Noah, Superintendent



John Eddy Hall, Board Chair

4620 SE 79<sup>th</sup> Ave.

Street Address

Portland, OR 97206

City, State, Zip

September 16, 2005

Date Signed

Original: Human Resources Office  
Copy: Licensed Staff Member



# Oregon

Theodore R. Kulongoski, Governor

## Teacher Standards and Practices Commission

465 Commercial St. NE  
Salem, OR 97301  
(503) 378-3586, (503) 378-4448 fax  
www.TSPC.state.or.us  
contact.tspc@state.or.us

January 10, 2006

Michael Henry Gillette  
4620 SE 79<sup>th</sup> Avenue  
Portland OR 97206-4210

Dear Mr. Gillette:

The Gresham-Barlow School District No. 10Jt. has informed us that you resigned from your teaching position with the district without providing 60 days' written notice. Under OAR 584-050-0020 (copy enclosed), a district may request suspension of an educator's teaching license for the remainder of the school year.

You may appeal this action in writing within 20 days after the date of this notice. If an appeal is made to the Commission, suspension of your teaching license shall be stayed until the Commission reaches its decision. If you appeal the proposed suspension, the Commission will schedule a hearing and notify you and the district of the time and place.

You may contact me at 503-378-6813 if you have questions regarding this procedure.

Sincerely,

Victoria Chamberlain  
Executive Director

/mgh

Enclosure

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

**584-050-0020**

**Suspension for Resignation in Violation of Contract**

(1) If a school board charges a teacher with violation of a contract under ORS 342.553, for failure to provide sixty days' notice prior to resignation, the Board must submit all of the following documents: a copy of the Board's resolution containing the teacher's notice of resignation and the Board's request for suspension of licensure, a copy of the teacher's contract, a copy of the applicable collective bargaining agreement, and a statement from the superintendent describing the provisions of the agreement for resignations.

(2) Upon receipt of the information specified in section (1) of this rule, the Executive Director will notify the teacher of suspension of his or her license. This notice of suspension contains the following statement:

"You may appeal this action in writing within twenty days after the date of this notice. If an appeal is made to the Commission, suspension of your teaching license shall be stayed until the Commission reaches its decision."

(3) If TSPC decides that the charge has been proven and the justification for violating the contract is not satisfactory, TSPC will suspend the teacher's license for the remainder of the school year. The decision of TSPC is final. See also ORS 342.553(2) regarding violation of contracts.

(4) A license which has been suspended for violation of contract may be reinstated after the period of suspension upon application and payment of the evaluation fee.

Stat. Auth.: ORS Ch. 342

Stats. Implemented: ORS 342.553

Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 6-1980, f. & ef. 12-23-80; TS 1-1982, f. & ef. 1-5-82; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 1-1992, f. & cert. ef. 1-15-92; TS 4-1997, f. 9-25-97, cert. ef. 10-4-97; TSPC 1-2000(Temp), f. & cert. ef. 1-18-00 thru 7-11-00; TSPC 2-2000, f. & cert. ef. 5-15-00

## NOTICE OF CONTESTED CASE RIGHTS AND PROCEDURES

This is information you should read to prepare for the hearing.

1. **Law that applies.** The matter set for hearing (by the accompanying notice) is a contested case. The hearing will be conducted as provided in Chapters 183 and 342 of the Oregon Revised Statutes and the administrative rules of the Teacher Standards and Practices Commission (Commission), (Oregon Administrative Rule OAR 584, Division 020).
2. **Right to attorney.** The Commission will be represented by an attorney. Parties are ordinarily and customarily represented by attorneys. You have a right to be represented by an attorney. Agencies, corporations and associations may be represented only by attorney unless specifically provided by law.
3. **Subpoenas.** You may subpoena witnesses. The Commission will issue subpoenas upon request and upon a showing of good cause and general relevance of the evidence sought. If you are represented by an attorney, your attorney may issue subpoenas. Payment of witness and mileage fees to a witness you subpoena is your responsibility.
4. **Presiding officer.** The person presiding at the hearing is known as the Administrative Law Judge (ALJ). The ALJ will rule on matters that arise at the hearing. The ALJ is not an employee, officer or representative of the agency and does not have authority to make a final independent determination. The final determination will be made by the Teacher Standards and Practices Commission.
5. **Order of evidence.** A hearing is similar to a court proceeding but is less formal. Its general purpose is to gather facts. The order of presentation of evidence is normally as follows:
  - a. Statement and evidence of the Commission in support of its action.
  - b. Statement and evidence of the party disputing the Commission's action.
  - c. Rebuttal.
6. **Burden of presenting evidence.** The burden of presenting evidence to support a fact or position rests upon the party who proposes that fact or position. You should be prepared to present evidence which will support your position.
7. **Witnesses.** All witnesses will testify under oath or affirmation to tell the truth. All witnesses may be cross-examined by other parties or by the person presiding at the hearing.

8. **Admissible evidence.** Evidence that may be admitted at the hearing is that which is commonly relied upon by reasonably prudent persons in the conduct of their serious affairs.

Four kinds of evidence may be admitted:

- a. Knowledge of the agency. The ALJ may take “official notice” of commonly known facts and of facts and conclusions developed from experience in the specialized field of activity. This includes notice of technical or scientific facts. You will be informed at the hearing if the agency takes “official notice” of any fact so that you may contest those facts.
- b. Testimony of witnesses. This includes your own testimony.
- c. Writings. This includes letters, maps, diagrams and other written material offered as evidence.
- d. Photographs, experiments, demonstrations and similar means used to prove a fact.

9. **Objections to evidence.** Evidence may be objected to on any of the following grounds:

- a. Irrelevant. The evidence has no tendency to prove or disprove any issue involved in the hearing.
- b. Immaterial. The evidence is offered to prove a proposition which is not a matter in issue at the hearing.
- c. Unduly repetitious. The evidence is merely repetitive of what has already been offered and admitted.

10. **Continuances.** There are normally no continuances granted at the end of the hearing. However, if you can show that the record should remain open for additional evidence, the ALJ may grant you additional time to submit such evidence.

11. **Exceptions to proposed order.** Because the Commission makes the final decision in this case, the ALJ will issue a recommended decision in the form proposed findings of fact, conclusions of law and order. You will be sent a copy and you will be given an opportunity to make written objections to the ALJ’s recommendations. You will be notified when written exceptions to the proposed order must be filed with the Commission and also when oral argument may be made to the Commission, which will render the final order.

12. **Record.** A record will be made of the entire proceeding to preserve the testimony and other evidence for appeal. This will be done by use of a tape recorder or court reporter. The record is generally not transcribed, unless there is an appeal to the Court of Appeals. However, you may obtain a copy of the tape recording upon payment of the costs of making a copy of the tape. You may obtain a transcript of the court reporter’s notes upon payment of a transcription fee.

13. **Appeal.** If you wish to appeal the final order, you must file a petition for review with the Oregon Court of Appeals within 60 days after the final order is served upon you. See Oregon Revised Statutes 183.480 *et seq.*

Michael Gillette  
4620 SE 79<sup>th</sup> Ave.  
Portland, OR 97206

January 23<sup>rd</sup>, 2006

Dear Mrs. Chamberlain:

I am writing to appeal the Commission's decision to suspend my license for the remainder of the school year. I learned about this decision from a letter sent to me on January 10, 2006. I would like to present evidence and arguments on my behalf at a hearing and will await notification of the time and place of a hearing from the Commission.

I may be reached at the above address or by phone at 503-317-6932.

Sincerely,



Michael Gillette

