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BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

3 In the Matter of the) STIPULATION OF FACTS
4 Teaching License of) AND ORDER OF PROBATION
5 MICHAEL WILLIAM SHAW)
6

7 On or about December 17, 2002, the Teacher Standards and Practices Commission
8 (Commission) received an application for renewal of a Standard Teaching License from Michael
9 William Shaw (Shaw). Mr. Shaw reported Driving Under the Influence of Intoxicants (DUII)
10 convictions on the character question section of Application for Educator License Form C-1.

11 After review of the facts in this matter, Mr. Shaw and the Executive Director agree that
12 their respective interests, together with the public interests, are best served by a stipulation to
13 certain facts and the issuance of licensure subject to a four (4) year probation.

14 This Order sets forth the facts upon which the parties have agreed and the sanction to
15 be imposed. Mr. Shaw stipulates that there are sufficient facts contained in the Commission's
16 files and records to support the findings of fact and conclusions of law set forth below. In
17 entering into this stipulation, Mr. Shaw waives the right to a hearing to contest the findings of
18 fact, conclusion of law and order set forth below. Mr. Shaw understands that the Commission
19 will impose a four (4) year probation with specific conditions.

20 This stipulation is contingent upon approval and adoption of the Order by the
21 Commission. If the Commission does not adopt this Order, neither Mr. Shaw nor the
22 Commission are bound by these Stipulations and Mr. Shaw retains all rights to a hearing on the
23 allegations.

24 **STIPULATION OF FACTS**

25 1. On or about December 17, 2002, the Commission received a complete application for
26 a renewal of a Standard Teaching License from Michael William Shaw.

27 2. Mr. Shaw is employed as a teacher at Hermiston High School. He began his
28 employment with Hermiston School District in 1981.

1 3. On July 1, 1993, Mr. Shaw was arrested for Harassment in Hermiston, Oregon.
2 Mr. Shaw was granted Diversion in Hermiston Municipal Court. He completed Diversion on
3 January 23, 1994.

4 4. On December 16, 1996, Mr. Shaw was convicted of DUII in District Court of the State
5 of Oregon for Morrow/Umatilla Counties.

6 5. On April 30, 2001, Mr. Shaw was convicted of DUII in District Court of the State of
7 Washington for Spokane County.

8 6. Mr. Shaw recognizes that he suffers from the disease of alcoholism. He completed a
9 treatment program provided by Umatilla County Mental Health on October 29, 2001. He has
10 agreed to participate in aftercare treatment as prescribed by his treatment provider.

11 7. Mr. Shaw declares that he has no other criminal convictions in any state.

12 IT IS SO STIPULATED:

13 Michael William Shaw
14 Michael William Shaw

3-6-03
Date

15 Victoria Chamberlain
16 Victoria Chamberlain, Executive Director

2-24-03
Date

17
18 **CONCLUSION OF LAW**

19 Mr. Shaw's diversion for Harassment and criminal convictions for Driving Under the
20 Influence of Intoxicants constitute Gross Unfitness as defined in OAR 584-020-0040(5)(c) and
21 OAR 584-020-0040(5)(e). Criminal convictions and criminal conduct, even in the absence of
22 conviction, may be used as evidence to establish an applicant's lack of fitness to serve as an
23 educator pursuant to ORS 342.143. The Commission's authority to impose discipline in this
24 matter is based upon ORS 342.175.

25 **ORDER**

26 The Commission adopts the above Stipulation of Facts and authorizes the issuance of a
27 Standard Teaching License to Michael William Shaw subject to all standard terms and
28 conditions.

1 Furthermore, the Commission imposes a four (4) year probation to commence on the
2 date of issuance, subject to the following special terms:

3 1. Mr. Shaw shall, at his own initiative and expense, continue to obtain treatment
4 for his alcohol dependency as recommended by his alcohol treatment provider and abstain from
5 the consumption of alcohol.

6 2. During the period of his probation, Mr. Shaw shall submit to the Executive Director of
7 the Commission reports of his compliance with the treatment plan. Mr. Shaw shall provide
8 these reports every six (6) months during his probation.

9 3. Mr. Shaw shall report in writing within ten (10) days, to the Executive Director of the
10 Commission, any arrest (or citation) for any felony, misdemeanor or major traffic violation.

11 4. Mr. Shaw shall comply with all Standards for Competent and Ethical Performance
12 under OAR Chapter 584, Division 020.

13 If Mr. Shaw does not comply with his treatment plan based on the reports of his
14 treatment provider or as otherwise determined by the Executive Director he shall be in violation
15 of the terms of this probation. Violation of any of the terms of probation shall constitute an
16 independent basis for the Commission to impose discipline, up to and including revocation of
17 Mr. Shaw's teaching license subject to Mr. Shaw's right to a hearing on the issue of whether he
18 violated probation.

19 IT IS SO ORDERED this 12th day of March 2003.

20 TEACHER STANDARDS AND PRACTICES COMMISSION

21 By: Victoria Chamberlain

22 Victoria Chamberlain, Executive Director

23
24 Approved as to form:

25 Ralph E. Wiser
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27 Ralph E. Wiser OSB# 81423
Attorney for Michael William Shaw

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