

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

4 In the Matter of the Educator                   )       DEFAULT ORDER OF  
5 License of                                        )       SUSPENSION AND PROBATION  
6 MICHAEL J. SCHAEFER                         )  
7  
8

9           On March 10, 2022 the Teacher Standards and Practices Commission (Commission)  
10 issued a Notice of Opportunity for Hearing to Michael J. Schaefer (Schaefer) 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 7021 0350 0000 8183 8268 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 first-class mail was not returned to the Commission and  
15 assumed delivered. The Notice of Opportunity of Hearing, dated March 10, 2022, and  
16 signed by Anthony Rosilez, 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, WITHDRAW  
21 YOUR REQUEST FOR HEARING, IF YOU FAIL TO APPEAR AT A HEARING, OR  
22 NOTIFY THE COMMISSION THAT YOU WILL NOT APPEAR AT HEARING, THE  
23 COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE  
24 THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER  
25 DISCIPLINE.”  
26

27 Schaefer did not request a hearing. The Commission, therefore, finds Schaefer to be in  
28 default and enters the following findings of fact, conclusions of law, and final order, based  
29 on the files and records of the Commission concerning this matter.  
30

31                   **FINDINGS OF FACT**

- 32 1.       The Commission has licensed Schaefer since September 4, 2002. Schaefer holds an  
33 Administrative License, with an endorsement in Principal (PK-12), valid from  
34 January 16, 2020, through November 4, 2023. During all relevant times, Schaefer  
35 was employed by the Klamath County School District (KCSD).  
36  
37 2.       On June 1, 2021, the Commission received a School District Misconduct Report from  
38 the Director of Human Resources for the KCSD. The report indicated Schaefer may

1 have committed acts which constitute gross neglect of duty and / or gross unfitness.  
2 The report alleged that Schaefer reported for work at Mazama High School (MHS)  
3 under the influence of alcohol on May 17, 2021, and on August 9, 2021.  
4

- 5 3. Investigation determined that on May 17, 2021, and August 9, 2021, Schaefer was  
6 under the influence of alcohol while at work at MHS.  
7

8 According to district records, on May 17, 2021, staff at MHS smelled alcohol on  
9 Schaefer's person and reported this to KSCD Human Resources. KSCD  
10 administrative staff confronted Schaefer about smelling of alcohol, and he agreed to  
11 submit to a breathalyzer test. The breathalyzer resulted in a positive test with a blood  
12 alcohol level of .040. This test result was later confirmed via a urine sample  
13 conducted by the Onsite Drug and Alcohol Testing Center, which also tested positive  
14 for alcohol. For this incident, Schaefer was issued a letter of reprimand and  
15 suspended for three days without pay. Schaefer also signed a last chance agreement  
16 which directed that he follow any recommendations for treatment and random urine  
17 screenings. At that time, Schaefer was referred to substance abuse treatment at  
18 Reliant Behavior Health.  
19

20 According to district records, on August 9, 2021, Schaefer was requested to complete  
21 random drug/alcohol testing. A breathalyzer given to Schaefer that day tested  
22 positive for alcohol at .067 BAC level. A urine test, also given to Schaefer on August 9,  
23 2021, tested positive at a .100 BAC. KSCD immediately placed Schaefer on leave and  
24 initiated an investigation. On August 12, 2021, Schaefer submitted his resignation to  
25 the KSCD citing personal and family reasons.  
26

- 27 4. The Commission reached out to Schaefer numerous times to request that he  
28 participate in an investigative interview. Schaefer was sent a request to interview via  
29 USPS certified and regular mail on September 10, 2021. On November 2, 2021, the  
30 Commission emailed Schaefer at the last known email address on record. On  
31 November 3, Schaefer responded to the email and reported that he was in Europe  
32 and did not have cell phone coverage. Schaefer stated that he would not be disputing

1 the report or investigation. To date, Schaefer has not responded to those efforts to  
2 contact him. Upon Schaefer's return from Europe, Commission staff arranged for  
3 him to be interviewed via Zoom on November 22, 2021, at 11:00AM. On November  
4 22, 2021, Commission investigative staff contacted Schaefer via the phone number he  
5 provided for the interview, but the call went straight to voicemail. Commission staff  
6 left a voicemail for Schaefer, requesting a call back. As of the writing of this Notice of  
7 Hearing, Schaefer has not responded to Commission staff.  
8

### 9 CONCLUSIONS OF LAW

10 The conduct described in sections two (2) and (3) above constitutes gross neglect of  
11 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR  
12 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district*  
13 *lawful and reasonable rules and regulations*); and OAR 584-020-0040(4)(g) (*Appearing*  
14 *on duty or at any district-sponsored activity while under the influence of alcohol or any*  
15 *controlled substance*).

16 The Commission's authority to impose discipline in this matter is based upon ORS  
17 342.175.

### 18 FINAL ORDER

19 The Commission hereby issues a sixty-day (60) suspension and two years (2)  
20 probation upon Michael Schaefer's Oregon educator license.

21  
22 IT IS SO ORDERED THIS 30<sup>th</sup> day of September, 2022.

23 TEACHER STANDARDS AND PRACTICES COMMISSION

24 By:   
25 Dr. Anthony Rosilez, Executive Director  
26  
27  
28

NOTICE OF APPEAL OR RIGHTS

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