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BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

OF THE STATE OF OREGON

Teacher Standards & Practices Commission

3	In the Matter of the)	STIPULATION OF FACTS AND FINAL
4	Educator License of)	ORDER OF SURRENDER AND
5	SEAN MICHAEL BURKE)	REVOCATION OF
6)	LICENSURE

9 On December 18, 2015, the Teacher Standards and Practices Commission (Commission)
 10 received a report from the McMinnville School District alleging that licensed educator, Sean
 11 Michael Burke (Burke), had committed acts of unprofessional conduct. The report alleged that
 12 Burke had a physical relationship with a student during his first year of teaching at McMinnville
 13 High School approximately 20 years ago. On January 14, 2016, the Commission received a
 14 related patron complaint from RC. RC advised that she was the victim of sexual abuse by Burke
 15 when she attended McMinnville High School on or about the 1994 – 1995 school year and
 16 related summer break. Investigation determined that both the report and the complaint were
 17 about the same conduct and the patron had filed a similar complaint with the school district, the
 18 Department of Human Services (DHS), and law enforcement. Both the school district report and
 19 the patron complaint will be addressed in this Stipulation and Final Order.

20 After review of the matters alleged, Burke and the Commission agree that their
 21 respective interests, together with the public interest, are best served by a stipulation to certain
 22 facts and the surrender and revocation of Burke's Oregon educator License.

23 By signing below, Burke acknowledges, understands, stipulates, and agrees to the
 24 following: (i) he has been fully advised of his rights to notice and a hearing to contest the
 25 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all
 26 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final
 27 Order of Surrender and Revocation of Licensure (Stipulation and Final Order); (ii) this
 28 Stipulation and Final Order is a public document and disclosed to the public upon request by the
 29 Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval

1 and adoption by the Commission. If the Commission does not approve and adopt this
2 Stipulation and Final Order, then neither Burke nor the Commission are bound by the terms
3 herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v)
4 he voluntarily, without any force or duress, enters into this Stipulation and Final Order and
5 consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no
6 promises or representation has been made to induce him to sign this Stipulation and Final
7 Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order
8 and has been fully advised with regard to his rights thereto, or waives any and all rights to
9 consult with an attorney prior to entering into this Stipulation and Final Order and issuance and
10 entry of the Stipulated Final Order below.

11 This Order sets forth the facts upon which the parties have agreed and the sanction to be
12 imposed. Burke stipulates that there are sufficient facts contained in the Commission's files and
13 records to support the findings of fact and conclusions of law set forth below. In entering into
14 this stipulation, Burke waives the right to a hearing to contest the findings of fact, conclusions of
15 law and order set forth below.

16 **STIPULATION OF FACTS**

- 17 1. The Commission has licensed Burke since May 18, 1994. Burke holds a Continuing
18 Administrator License with an endorsement in Administrator (ALL LVL), valid
19 September 7, 2012, through December 20, 2017. Burke previously held a Standard
20 Teaching License with an endorsement in Standard Social Studies (020), valid from
21 December 21, 2007, through December 20, 2012. During all relevant times, Burke was
22 employed by the McMinnville School District.
- 23 2. On December 18, 2015, the Commission received a report from the McMinnville School
24 District alleging Burke may have violated standards for licensed educators. The district
25 reported that Burke allegedly had a physical relationship with a minor aged student (RC)
26 while teaching at McMinnville High School approximately 20 years ago. On December 7,

1 2015, Burke was placed on administrative leave while the district conducted its
2 investigation.

3 3. During the District investigation, Burke acknowledged that he had an overly personal
4 and inappropriate relationship with RC during the 1993-1994 school year, his first year
5 of teaching. This included sharing personal information with RC, calling her on the
6 phone, spending time alone with her and telling RC that he loved her. Burke denied that
7 their relationship was ever sexual. There are no other known allegations or suggestions
8 of similar inappropriate conduct that have been made against Burke, either before or
9 after this allegation became public. Burke resigned his employment on December 22,
10 2015.

11 The Commission's investigation determined that on or about December 2015, RC reported
12 the inappropriate relationship between her and Burke to her local law enforcement agency in
13 California, traveled upon request to Oregon to report and be interviewed by McMinnville law
14 enforcement, school district officials, and DHS as needed. RC reported that during the
15 1994-95 school year Burke took special interest in RC, checking in with her regularly and
16 meeting after class to talk. RC described Burke as a fatherly or big brother figure helping her
17 with her depression and grief. RC reported that in the spring of 1995, the relationship
18 turned sexual. According to RC, Burke had sexual intercourse at Burke's house repeatedly
19 and also touched her sexually in his classroom. RC reported that Burke visited in her
20 California after school was out, rented a hotel room and had sexual intercourse at that time.
21 RC provided copies of several notes and photos that she had kept that supported her
22 description of the relationship.

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1 IT IS SO STIPULATED:

2
3 Sean Michael Burke

4-1-16
Date

4 Victoria Chamberlain
5 Victoria Chamberlain, Executive Director
6 Teacher Standards and Practices Commission

4-12-16
Date

7 **CONCLUSION OF LAW**

8 Sean Michael Burke engaged in unprofessional conduct as described in section two (2)
9 and three (3) above. This conduct constitutes Gross Neglect of Duty in violation of ORS
10 342.143(2); ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
11 0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(o) as is incorporates OAR 584-
12 020-0035(1)(b)(*Refrain from exploiting professional relationships with any student for*
13 *personal gain, or in support of persons or issues*), OAR 584-020-0035(1)(c)(A)(*Not*
14 *demonstrating or expressing professionally inappropriate interest in a student's personal life*),
15 OAR 584-020-0035(1)(c)(B)(*Not accepting or giving or exchanging romantic or overly*
16 *personal gifts or notes with a student*), OAR 584-020-0035(1)(c)(D)(*Honoring appropriate*
17 *adult boundaries with students in conduct and conversation at all times*), OAR 584-020-
18 0035(3)(a)(*Maintain the dignity of the profession by respecting and obeying the law,*
19 *exemplifying personal integrity and honesty*); and OAR 584-020-0040(4)(f) (*Any sexual*
20 *conduct with a student*). The Commission may rely on the definitions of sexual conduct in ORS
21 339.370(9) and OAR 584-020-0005(5). Burke's conduct establishes that he does not possess
22 good moral character or mental and physical fitness as required to hold a license under ORS
23 342,143(2).

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25 The Commission's authority to impose discipline in this matter is based upon ORS
26 342.175.

27 **ORDER**

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The Commission adopts the above Stipulation of Facts, accepts the licensure surrender and revokes all Oregon educator licenses of Sean Michael Burke.

IT IS SO ORDERED this 12th day of April, 2016.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: Victoria Chamberlain
Victoria Chamberlain, Executive Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Surrender and Revocation of Licensure, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail — Return Receipt Requested, addressed to:

Sean Michael Burke
10520 SE Westland LN
Dayton, OR 97114-8042

DATED this 13th day of April, 2016.

By: Patty Sheldon
Patty Sheldon
Investigative Assistant

Certificate of Mailing – Sean Michael Burke

Data Classification Level: 1- Published
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