



SUPERINTENDENT OF PUBLIC INSTRUCTION

RANDY I. DORN OLD CAPITOL BUILDING • PO BOX 47200 • OLYMPIA WA 98504-7200 • <http://www.k12.wa.us>

IN THE MATTER OF THE EDUCATION)
 APPLICATION OF)
)
 Michael Talley)
 DOB: [REDACTED]/1959)
 Certificate No. 261570F)
 _____)

OPP No. D97-10-177
 DENIAL ORDER
 FOR CERTIFICATION

COMES NOW the Office of Superintendent of Public Instruction (OSPI), under the authority granted by the laws of the state of Washington, having reviewed the file of the above-referenced case, and having considered the entire evidence contained therein, does hereby deny the education application of Michael Talley based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Michael Talley was issued a Washington education certificate, No. 261570F, on August 27, 1984. Michael Talley voluntarily surrendered this education certificate on June 19, 2000.
2. During the 1988-1989 school year, Michael Talley made inappropriate comments to and engaged in sexual contact and sexual intercourse with D.W., a 16-17 year old female Renton School District student.

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3. During the 1989-1990 school year, Michael Talley made inappropriate comments to D.W.
4. During the 1992-1993 school year, Michael Talley had an inappropriate relationship/interaction with K.L., a 14-15 year old female Renton School District student.
5. During the 1992-1993 school year, Michael Talley engaged in sexual contact and sexual intercourse with K.L. and made inappropriate comments to K.L.
6. On June 25, 1993, an anonymous female called the Renton School District Superintendent's Office to report that she was a former Renton School District student who had "slept with" Michael Talley. On July 1, 1993, Barb Wright, Assistant Superintendent of Renton School District, informed Michael Talley of the phone call.
7. During the summer of 1993, Garyalen Long, K.L.'s mother, read a note K.L. had drafted for Michael Talley. When asked about the note, K.L. said that Michael Talley had been pursuing her and that he had kissed her.
8. During the 1995-1996 school year, during K.L.'s 12th grade year in the Renton School District, Michael Talley contacted K.L. and asked her if she was "going to tell anyone because he was thinking about going back to school to be a principal".
9. During the 1996-1997 school year, when K.L. was a college freshman, Michael Talley contacted K.L. and, at one point, kissed K.L.

10. On August 28, 1997, K.L. contacted Renton School District to file a complaint of sexual misconduct against Michael Talley.

11. On September 2, 1997, Michael Talley was placed on administrative leave by the Renton School District. An investigation was initiated by the Renton School District into allegations of misconduct with a female student.

12. On September 8, 1997, the Office of Professional Practices (OPP), within OSPI, received a complaint letter from Barb Wright, Assistant Superintendent of Renton School District, alleging a lack of good moral character or personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87, by Michael Talley. OPP opened an investigation; OPP File No. D97-10-177.

13. On October 23, 1997, Dr. Dolores Gibbons, Superintendent of Renton School District, sent OPP an additional letter alleging a lack of good moral character or personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87, by Michael Talley.

14. On March 6, 1998, Dr. Dolores Gibbons, Superintendent of the Renton School District, issued Michael Talley a letter notifying him that he was being discharged from his teaching and coaching position. Michael Talley filed an appeal of the termination decision.

15. In May and June of 1998, an administrative hearing regarding the termination of Michael Talley's employment with the Renton School District was held before Hearing Officer Carolyn Cairns.

16. On June 18, 1998, Carolyn Cairns, Hearing Officer, issued her Decision. In the Decision, Ms. Cairns found, by a preponderance of the evidence, that Michael Talley had engaged in sexual intercourse with D.W., while she was a student in the Renton School District and had engaged in inappropriate sexual conduct and sexual contact with K.L., while she was a student in the Renton School District. Ms. Cairns sustained the decision of the Renton School District to discharge Michael Talley from his position as a teacher and coach with the Renton School District.

17. On July 6, 1998, Michael Talley filed an appeal of the Hearing Officer's decision in King County Superior Court. On February 10, 1999, a Voluntary Withdrawal of Appeal was filed in Superior Court of Washington for King County; Cause #98-2-15875-1 KNT.

18. On January 19, 2000, OSPI after investigation, issued a Proposed Order of Revocation; OPP File No. D97-10-177.

19. On February 18, 2000, OPP received a notice of appeal from Robert Stewart, attorney for Michael Talley; OPP File No. D97-10-177.

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20. On May 5, 2000, an Office of Professional Practices' Submission to the Review Officer and Admissions and Professional Conduct Advisory Committee (APCAC) was issued by the Attorney General's Office for OPP File No. D97-10-177.

21. On June 19, 2000, Michael Talley withdrew his appeal of the Proposed Order of Revocation, OPP #D97-10-177, and voluntarily surrendered his Washington education certificate, No. 261570F.

22. On May 20, 2010, Michael Talley submitted to Puget Sound Educational Service District (ESD) an Application, Character and Fitness Supplement, and a Voluntary Surrender of Certificate Affidavit requesting to reinstate his Washington education certificate. OSPI received the application packet on May 24, 2010.

23. On the Character and Fitness Supplement, a part of the application process, Michael Talley answered 'yes' to questions 3, 4, 8, 10 and 11, section II, Professional Fitness regarding: being the subject of a certificate or licensing investigation or inquiry for allegations of misconduct; being dismissed, discharged or fired from any employment position involving children or dependent adults; having been disciplined by a past or present employer because of allegations of misconduct; and, currently or ever being the subject of any investigation or inquiry by an employer because of allegations of misconduct.

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24. As part of the character and fitness supplement, Michael Talley submitted a written explanation regarding his 'yes' answers in the form of a Voluntary Surrender of Certificate Affidavit. In his response, Michael Talley stated, among other statements, "The state determined that I had a relationship with one of the persons. I was offered the option of surrendering my certificate or revocation of my certificate. I chose surrender."

25. Good moral character and personal fitness is a continuing requirement to maintain a Washington education certificate.

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Michael Talley and over the subject matter of this action.
2. Michael Talley has failed to provide clear and convincing evidence of good moral character or personal fitness to receive a Washington education certificate, Washington Administrative Code (WAC) 181-86-170.

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ORDER

THEREFORE, it is hereby ordered that the application for certification of Michael Talley is denied.

This order may be appealed within thirty (30) calendar days from the date of receipt, pursuant to Chapter 181-86 WAC, copy enclosed.

This order will become final thirty days after it is received, unless it is appealed within the thirty day period.

Appeals should be addressed to:

Superintendent of Public Instruction
Office of Professional Practices
PO Box 47200
Olympia, WA 98504

DATED this 9th day of July, 2010.

RANDY I. DORN
Superintendent of Public Instruction
State of Washington


Martin T. Mueller
Assistant Superintendent
Student Support