

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

In the Matter of the)
Teaching License of)
GERALD GLEN MILLER)

On June 6, 2011, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Gerald Glen Miller (Miller) in which the Commission charged him with Gross Neglect of Duty pursuant to ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5), OAR 584-020-0015(2)(a) and OAR 584-020-0015(2)(e); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(b), OAR 584-020-0035(1)(c)(D), and OAR 584-020-0035(3)(a); OAR 584-020-0040(4)(d); OAR 584-020-0040(4)(e); OAR 584-020-0040(4)(f) as defined by OAR 584-020-0005(5); and Gross Unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) and OAR 584-020-0040(5)(e). The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7010 0290 0001 6831 3599 to the address on file with the Commission. The certified mail was signed for on or about June 7, 2011. The Notice of Opportunity of Hearing, dated June 6, 2011, and signed by Victoria Chamberlain, Executive Director, stated:

“IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE.”

On June 13, 2011, TSPC received notice from Miller's Attorney, Adam Arms, that Miller was requesting a hearing. A hearing was scheduled, with a pre-hearing conference scheduled for January 27, 2011, at 11:00 a.m. On January 26, 2011, TSPC received notice, via the Office of Administrative Hearings, that Miller had withdrawn his hearing request via a letter from Attorney Adam Arms dated January 11, 2011. The Commission, therefore, finds Miller to be in default and enters the following findings of fact, conclusions of law and order, based on the files and records of the Commission concerning this matter.

1 **FINDINGS OF FACT**

- 2 1. Miller has been licensed as a teacher in Oregon since April 17, 1998. Miller's Standard
3 Teaching License with endorsements in Basic Chemistry and Standard Biology, issued on
4 August 14, 2008, expired on August 21, 2011. During all relevant times, Miller was
5 employed by the Amity School District.
- 6 2. On December 15, 2010, Miller was convicted of one count of Assault in the Fourth Degree
7 (ORS 163.160(2)) a Class-A Misdemeanor, and one count of Harassment (ORS 166.065(3)),
8 a Class-B Misdemeanor. Miller was sentenced to 30 days incarceration in the Yamhill
9 County Jail, and 30 months of supervised probation. As part of Miller's conviction, he was
10 ordered not to have contact with the victim in this case, not accept employment primarily
11 having contact with minors without first being approved by the court, and to undergo a
12 mental evaluation.
- 13 3. The conduct leading to Miller's convictions was that on or about June 1, 2009, Miller struck
14 a female student in the face and pulled her by the hair.
- 15 4. In addition to the conduct that resulted in Miller's criminal convictions, Miller had
16 additional inappropriate interactions with the same female student. On one occasion Miller
17 had physical contact with the student when he placed an obsidian stone on her lower
18 tailbone to see if she could feel anything.
- 19 5. The incident with the obsidian stone was part of Miller's conduct of espousing personal
20 religious views in his science class, such as ESP, New Age beliefs, and work with crystals.

21 **CONCLUSIONS OF LAW**

22 Gerald Glen Miller's above described conduct in section 2 above, constitutes gross
23 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates
24 OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(o) as it
25 incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting*
26 *and obeying the law, exemplifying personal integrity and honesty*); This conduct also
27 constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c)
28 (*Conviction of violating any federal, state, or local law. A conviction includes any final*
29 *judgment of conviction by a court whether as the result of guilty plea, no contest plea or any*
30 *other means*).

31 Gerald Glen Miller's above described conduct in section 3 above, constitutes gross

1 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates
2 OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(d) (*Unreasonable*
3 *physical force against students, fellow employees, or visitors to the school, except as permitted*
4 *under ORS 339.250*) and OAR 584-020-0040(4)(e) (*Violent or destructive behavior on school*
5 *premises or at a school-sponsored activity*). This conduct also constitutes gross unfitness in
6 violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(e) (*Admission of or engaging in acts*
7 *constituting criminal conduct, even in the absence of a conviction*).

8 Gerald Glen Miller's above described conduct in section 4 above, constitutes gross
9 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates
10 OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(o) as it
11 incorporates OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with*
12 *students in conduct and conversations at all times*); and OAR 584-020-0040(4)(f) (*Any sexual*
13 *conduct with a student*) as defined by OAR 584-020-0005(5).

14 Gerald Glen Miller's above described conduct in section 5 above, constitutes gross
15 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates
16 OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0015(2)(a) (*Use of state*
17 *and district adopted curriculum and goals*), OAR 584-020-0015(2)(e) (*Skill in the selection*
18 *and use of teaching techniques conducive to student learning*); and OAR 584-020-0040(4)(o)
19 as it incorporates OAR 584-020-0035(1)(b) (*Refrain from exploiting professional relationships*
20 *with any student for personal gain, or in support of persons or issues*).


21 The Commission's authority to impose discipline in this matter is based upon ORS
22 342.175.

23 FINAL ORDER

24 The Commission hereby revokes the Standard Teaching license of Gerald Glen Miller.

25 IT IS SO ORDERED THIS 6th day of February, 2012.

26 TEACHER STANDARDS AND PRACTICES COMMISSION

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28
29 By: 
30 Victoria Chamberlain, Executive Director

31 NOTICE OF APPEAL OR RIGHTS

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