1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
4 5 6 7	In the Matter of the ) DEFAULT ORDER OF Teaching License of ) LICENSE REVOCATION )
8 9	On May 13, 2009, the Teacher Standards and Practices Commission (Commission)
10	issued a Notice of Opportunity for Hearing to Jon D. Miho (Miho) in which the Commission
11	charged him with Gross Neglect of Duty pursuant to OAR 584-020-0040(4)(n) and (o). The
12	Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7008 1140 0002 8580
13	9294 to the address on file with the Commission. The U.S. Postal Service delivered two notices
14	to Miho, the first on May 14, 2009, and the second on May 30, 2009, in an attempt to deliver this
15	certified mail, before returning the certified mail receipt to the Commission on June 15, 2009.
16	The first class mail was not returned to the Commission. The Notice of Opportunity of Hearing,
17	dated May 13, 2009, and signed by Victoria Chamberlain, Executive Director, stated:
18 19 20 21	"You, Jon D. Miho, are entitled to a hearing on the proposed action of the Commission. If you want a hearing, you must file a written request for a hearing with the Commission within 21 days of the date of this notice."
22	Mr. Miho did not request a hearing. The Commission, therefore, finds Mr. Miho to be in default
23	and enters the following findings of fact, conclusions of law and order, based on the files and
24	records of the Commission concerning this matter.
25	FINDINGS OF FACT
26	1. Mr. Miho was first licensed by the Commission on January 10, 2005. His Initial
27	Teaching License was effective from January 10, 2005 to October 8, 2008. He did not
28	renew his license when it expired.
29	2. During the summer of 2007, Mr. Miho contacted female high school students online and
30	wrote messages of a personal nature on one or more student's MySpace pages.
31	3. During the summer of 2007, Mr. Miho engaged in sexual relationships with two former
32	female students

- During the 2007-2008 school year, while employed with the Gervais School District, Mr.
   Miho gave unwanted hugs and shoulder rubs to female students. He referred to female students by pet names such as "sweetie," "honey," and "baby." He also contacted female students via text messaging.
   On or about March 12, 2008, Mr. Miho asked a student what she wanted from an adult shop for her 18<sup>th</sup> birthday.
  - shop for her 18<sup>th</sup> birthday.

    6. During the 2007-2008 school year, Mr. Miho failed to stop or discourage students'
  - During the 2007-2008 school year, Mr. Miho failed to stop or discourage students' sexual conversations in his classroom.

## **CONCLUSIONS OF LAW**

Contacting students online as described in paragraph 2 above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(o) pursuant to OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and conversations at all times); and OAR 584-020-0040(4)(n) as it incorporates 584-020-0010(5) (Use professional judgment).

Engaging in sexual relationship with former students as described in paragraph 3 above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(b) (*Refrain from exploiting professional relationships with any student for personal gain, or in support of persons or issues*) and OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*).

Having inappropriate contact with students as described in paragraph 4 above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(o) pursuant to OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and conversations at all times); and OAR 584-020-0040(4)(n) as it incorporates 584-020-0010(5) (Use professional judgment).

Asking a student what she wanted from an adult shop as described in paragraph 5

1	above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
2	0040(4)(o) pursuant to OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries with
3	students in conduct and conversations at all times).
4	Failing to discourage students' sexual conversations in the classroom as described in
5	paragraph 6 above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR
6	584-020-0040(4)(n) as it incorporates OAR 584-020-0025(2)(a) (Establishing and maintaining
7	classroom management that is conducive to learning).
8	FINAL ORDER
9	The Commission hereby revokes Jon D. Miho's Initial Teaching License.
10	IT IS SO ORDERED THIS And day of August, 2009.
11	TEACHER STANDARDS AND PRACTICES COMMISSION
12 13 14 15 16 17 18	By: <u>Manufacture</u> Victoria Cha <del>mberlain,</del> Executive Director
20 21	NOTICE OF APPEAL OR RIGHTS
22 23 24 25 26	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.