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

In the Matter of the) STIPULATION OF FACTS AND
Educator License of) FINAL ORDER OF
STEPHANIE LYNNE MCMILLAN) SUSPENSION AND PROBATION

On September 19, 2022, the Teacher Standards and Practices Commission (Commission) received a School District Misconduct Report from the Salem-Keizer School District (SKSD), indicating possible professional misconduct on the part of licensed educator, Stephane Lynne McMillan (McMillan).

After review of the matters alleged, McMillan and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the imposition of a four (4) month suspension and four (4) years probation.

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

By signing below, McMillan acknowledges, understands, stipulates, and agrees to the following: (i) she has been fully advised of her rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Public Reprimand (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither McMillan nor the Commission are bound by the terms herein; (iv) she has fully read this Stipulation and Final Order, and understands it completely; (v) she voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below; (vi) she states that no promise or representation has been made to induce her to sign this Stipulation and Final Order; and (vii) she has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with regard to her rights thereto, or waives any and all rights to consult with an

1 attorney prior to entering into this Stipulation and Final Order and issuance and entry of
2 the Stipulated Final Order below.

3
4 **STIPULATION OF FACTS**

- 5 1) The Commission has licensed McMillan since August 6, 2014. McMillan holds a
6 Preliminary Teaching License with an endorsement in School Education
7 Generalist (PK-12), valid from January 15, 2020 to September 16, 2023. During
8 all relevant times McMillan was employed by the Salem-Keizer School District
9 (SKSD).
10
- 11 2) On September 19, 2022, TSPC received a misconduct report from Debbie Joa,
12 Prevention and Protection Coordinator with the SKSD. The report alleged that
13 McMillan was dishonest on her employment application when she answered “no”
14 to multiple character questions regarding previous investigations and
15 disciplinary actions taken against her teaching license. Additionally, it was
16 alleged in the report that McMillan omitted employment history from a school
17 district where she had previously received discipline.
18
- 19 3) TSPC and SKSD investigation determined the following occurred:
20
- 21 • **January 10, 2018** - McMillan was working for the Gresham-Barlow School
22 District as a Program Director in the Student Support Services Office.
 - 23 ▪ McMillan attended a meeting with colleagues who believed that she
24 was under the influence of alcohol. The Deputy Superintendent was
25 notified, and McMillan was contacted and agreed to be taken to an
26 Urgent Care facility for a breathalyzer. McMillan’s breath test resulted
27 in readings of .098 at 1:04pm and .094 at 1:21pm.
 - 28 ▪ Based on the test results McMillan was placed on paid administrative
29 leave.
 - 30
 - 31 • **January 16, 2018** – McMillan and her attorney participated in a meeting
32 with Gresham-Barlow administrators where McMillan admitted she had been
33 drinking the night of January 9, 2018, and the morning of the incident, prior
34 to school hours.

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- **January 19, 2018** - TSPC received the School District Misconduct Report from the Gresham-Barlow School District regarding the incident listed above.
- **January 29, 2018** – TSPC sent certified mail notifying McMillan that she was under investigation.
- **February 9, 2018** - McMillan signed a resignation agreement with the Gresham-Barlow School District.
- **October 2018** – McMillan submitted an electronic application for employment with the Battle Ground School District (BGSD) in Washington State.
 - In the Employment History section of the application, McMillan listed Gresham-Barlow School District as a prior employer and stated the reason for leaving was “*seeking an educator position closer to home*”.
 - Employment with the Gresham-Barlow School District was not listed on the resume submitted with McMillan’s application.
 - The BGSD application DOES NOT ask about previous investigations, misconduct or discipline.
- **November 2, 2018** – McMillan began employment with the BGSD.
- **May 9, 2019**- McMillan was issued a Letter of Instruction for concerns with a student’s IEP.
- **May 13, 2019** – McMillan participated in a meeting with BGSD administrators where she was informed that her contract for employment would not be renewed for the coming school year.
 - After the meeting, while speaking with the Association Representative, McMillan was observed to be drinking from a travel mug. The representative stated that they could smell the odor of alcohol on McMillan’s breath as she spoke and immediately informed school administration who then called the Battle Ground Police Department (BGPD).
 - A BGPD officer arrived at the school and made contact with McMillan in her classroom. McMillan denied drinking any alcohol and declined a breathalyzer.
 - The BGPD officer tested the contents of the travel mug for the presence of alcohol which resulted in a positive reading.

- 1 ▪ McMillan informed the officer that she had put some wine in the travel
2 mug but denied drinking any while at school.
- 3 • **May 14, 2019** – The BGSD issued McMillan a written reprimand for having the
4 odor of alcohol on her breath and for having alcohol in her classroom at school.
- 5 • **May 22, 2019** – McMillan submitted her resignation to the BGSD.
- 6 • **June 5, 2019 & June 6, 2019** – McMillan submitted electronic applications
7 for employment and attached resumes to the Evergreen School District (ESD) in
8 Washington State.
- 9 ▪ In the Background Info section, McMillan answered “No” to the question
10 of “*Are you currently or have you ever been the subject of certificate or*
11 *licensing agency inquiry or investigation for allegations of misconduct?*”
- 12 ▪ In the Employment History section, McMillan did not list previous
13 employment with both the Gresham-Barlow School District and the Battle
14 Ground School District.
- 15 ▪ In the Professional Experience section, McMillan failed to list previous
16 employment with both the Gresham-Barlow School District and the Battle
17 Ground School District.
- 18 • **July 17, 2019** – BGSD Superintendent sent a complaint to the Washington
19 Office of Professional Practices (OPP) regarding the incident that occurred on
20 May 13, 2019.
- 21 • **July 29, 2019** – Washington Office of Professional Practices (OPP) sent
22 certified mail notifying McMillan that she was under investigation for falsifying
23 material facts on applications for professional employment and possessing and
24 being under the influence of alcohol on school premises.
- 25 • **October 25, 2019** - McMillan again submitted an electronic application and
26 attached resume for employment to the Evergreen School District (ESD) in
27 Washington State.
- 28 ▪ In the Background Info section, McMillan answered “No” to the question
29 of “*Are you currently or have you ever been the subject of certificate or*
30 *licensing agency inquiry or investigation for allegations of misconduct?*”
- 31 ▪ In the Employment History section, McMillan did not list previous
32 employment with both the Gresham-Barlow School District and the Battle
33 Ground School District.

- 1 ▪ In the Professional Experience section, McMillan failed to list previous
2 employment with both the Gresham-Barlow School District and the Battle
3 Ground School District.
- 4 • **October 31, 2019** - McMillan submitted another electronic application and
5 attached resume for employment to the Evergreen School District in Washington
6 State.
- 7 ▪ In the Background Info section, McMillan answered “No” to the question
8 of “*Are you currently or have you ever been the subject of certificate or*
9 *licensing agency inquiry or investigation for allegations of misconduct?*”
- 10 ▪ In the Employment History section, McMillan did not list previous
11 employment with both the Gresham-Barlow School District and the Battle
12 Ground School District.
- 13 ▪ In the Professional Experience section, McMillan failed to list previous
14 employment with both the Gresham-Barlow School District and the Battle
15 Ground School District.
- 16 • **January 21, 2020** – McMillan signed the Stipulation of Facts and Final Order
17 of Public Reprimand and 3 years’ Probation with TSPC. This Order was for the
18 conduct that occurred at the Gresham-Barlow School District in 2018, when
19 McMillan was under the influence of alcohol while at work. At that time, TSPC
20 was unaware of the conduct under investigation in Washington State.
- 21 • **February 6, 2020** - McMillan submitted an electronic application and attached
22 resume for employment to the North Clackamas School District.
- 23 ▪ In the Experience section, McMillan listed “*Illness*” as her reason for
24 leaving the Gresham-Barlow School District and failed to list her
25 experience with the Battle Ground School District.
- 26 ▪ In the Disclosures section, McMillan answered “No” to the following
27 questions:
- 28 ➤ *“Have you ever left any educational or school-related*
29 *employment, voluntarily or involuntarily, while the subject of an*
30 *inquiry, review or investigation of alleged misconduct and/or*
31 *ever left educational or school-related employment when you had*
32 *reason to believe an investigation for misconduct was underway*
33 *or imminent?”*

- 1 ➤ *“Are you currently the subject of an inquiry, review or*
- 2 *investigation for alleged misconduct or alleged violation of*
- 3 *professional standards of conduct by either an employer or a*
- 4 *licensure agency?”*
- 5 ➤ *“Have you ever been placed on leave by your employer for any*
- 6 *alleged misconduct?”*
- 7 ➤ *“Have you ever had an adverse action taken on a professional*
- 8 *certificate, license or charter school registration and/or ever*
- 9 *been placed on probationary status for alleged misconduct while*
- 10 *holding a professional license, certificate, registration, or*
- 11 *credential?”*
- 12 ➤ *“Have you ever been disciplined by any public agency responsible*
- 13 *for licensure of any kind, including but not limited to educational*
- 14 *licensure?”*
- 15 ➤ *“Have you ever failed to be rehired or been asked to resign to*
- 16 *avoid termination?”*

- 17
- 18 ▪ In the Disclosures section, McMillan answered “Yes” to the following
- 19 question.
- 20 ➤ *“Have you listed ALL current and former employers in the*
- 21 *Experience section of this application?”*
- 22

- 23 • **February 2020-** McMillan was hired by North Clackamas School District
- 24 • **February 19, 2020** – McMillan participated in an interview with the
- 25 Washington Office of Professional Practices where she denied an addiction to
- 26 alcohol and denied needing treatment for alcohol use. During the interview, the
- 27 investigator stated that they observed a slight odor of alcohol on McMillan’s
- 28 breath. When asked if she had been drinking that day, McMillan stated she had
- 29 not.
- 30 • **March 2, 2020** – McMillan received an email from the North Clackamas School
- 31 District Human Resources Department stating she was required to attend a
- 32 meeting on March 4, 2020, regarding information she had provided on the North
- 33 Clackamas employment application and its relationship to discipline which was
- 34 issued on her Oregon license by TSPC.

- 1 • **March 10, 2020** – McMillan sent an email to the North Clackamas School
- 2 District stating she would be resigning effective March 20, 2020.
- 3 • **September 22, 2020** – Final Order of Suspension for Washington State goes
- 4 into effect.
 - 5 ▪ McMillan’s Washington Education Certificate (teaching license) is
 - 6 suspended.
 - 7 ➤ Conditions set in the final order stipulate that McMillan may not
 - 8 request reinstatement of her education certificate for at least 9
 - 9 months from the Order’s effective date.
 - 10 ➤ Conditions set in the final order stipulate that reinstatement of her
 - 11 education certificate will require the following:
 - 12 • Successfully complete a substance abuse evaluation
 - 13 • If treatment is recommended as a result of the evaluation,
 - 14 McMillan shall complete any and all recommended
 - 15 treatment and provide evidence of successful completion.
 - 16 • McMillan must complete a fingerprint based criminal
 - 17 background check through both the FBI and Washington
 - 18 State Patrol and show no criminal convictions occurring
 - 19 after the date of issuance of the Final Order of Suspension.
- 20 • **December 11, 2020** – McMillan was arrested and charged with DUII-Alcohol
- 21 and Reckless Driving in Lane County Oregon.
 - 22 ▪ At 12:25pm Oregon State Police (OSP) received a driving
 - 23 complaint that a vehicle was failing to maintain its lane, tailgating,
 - 24 swerving in and out of traffic and fluctuating speeds.
 - 25 ▪ At 12:34pm OSP conducted a traffic stop on the vehicle and
 - 26 confirmed the driver, and only occupant, to be McMillan.
 - 27 ▪ When asked if McMillan had taken any medication or consumed
 - 28 any alcohol she said no to both.
 - 29 ▪ When asked to perform the Standardized Field Sobriety Tests
 - 30 (SFSTs) McMillan refused multiple times.
 - 31 ▪ After placing McMillan under arrest, the vehicle was searched and
 - 32 OSP located multiple empty orange juice bottles and an open
 - 33 bottle of vodka all within reach of the driver’s seat.

- 1 ▪ Once arrested, McMillan was taken to the Lane County Jail where
2 she was again asked if she had consumed any alcohol. McMillan
3 said she would be honest and stated she had consumed a couple of
4 drinks, which were the vodka and orange juice found in her
5 vehicle. McMillan said she started drinking about 6-7 hours ago
6 and that her last drink was at approximately 10:00am.
- 7 ▪ At 1:34pm McMillan consented to a breathalyzer and provided a
8 breath sample of 0.24% BAC.
- 9 ▪ McMillan was cited for DUII Alcohol and released to her husband.
- 10 • **April 16, 2021**- McMillan was granted Diversion by the court.
- 11 • **January 2022**- McMillan started court-ordered, outpatient Substance Use
12 Treatment Program.
- 13 • **August 30, 2022** – McMillan completed the Substance Use Treatment
14 Program.
- 15 • **August 31, 2022** - McMillan submitted an electronic application and attached
16 resume for employment to the Salem-Keizer School District.
- 17 ▪ In the Experience section, McMillan left out her previous work experience
18 with the Battle Ground School District.
- 19 ▪ In the Background Questions section, McMillan answered “No” to the
20 following questions:
- 21 ➤ *“Have you EVER been dismissed from employment, resigned in
22 lieu of termination or been refused continuing employment?”*
- 23 ➤ *“Have you EVER left any employment voluntarily or
24 involuntarily, while the subject of any inquiry, review or
25 investigation of alleged misconduct or alleged violation of
26 professional standards of conduct or when you had reason to
27 believe such investigation was imminent?”*
- 28 ➤ *“Have you EVER had an employment contract non-renewed or
29 failed to complete a contract of employment?”*
- 30 ➤ *“Have you EVER been reprimanded, disciplined or placed on
31 probation by a licensing agency (including but not limited to the
32 Oregon Teacher Standards and Practices Commission) or had a
33 professional license revoked, suspended, or denied?”*

1 ➤ *“Have you EVER been placed on leave by your employer for an*
2 *alleged misconduct?”*

- 3 • **September 19, 2022** – TSPC received the School District Misconduct
4 Report from the Salem-Keizer School District.
- 5 • **September 23, 2022**- TSPC sent certified mail notifying McMillan that she
6 was under investigation.
- 7 • **November 1, 2022**- McMillan participated in a TSPC investigative
8 interview over the phone.
- 9 • **May 24, 2023**- McMillan’s Washington Education Certificate was fully
10 reinstated.
- 11 • **September 10, 2023** – McMillan electronically submitted an application
12 for license renewal to TSPC and answered the character questions the
13 following way:

14
15 1. *“Have you ever left any educational or school-related employment,*
16 *voluntarily or involuntarily, while the subject of or within the six months*
17 *following and inquiry, review, or investigation of alleged misconduct?*
18 *Have you ever left educational or school-related employment when you*
19 *had reason to believe an investigation for misconduct was underway or*
20 *imminent?”*

- 21 • Yes- *“Refer to TSPC records. Also, OSPI (WA state) inquired about an*
22 *incident in Battle Ground School District. License was reinstated*
23 *after investigation was completed and I completed all requirements*
24 *posed by the organization to clear my record and have my license*
25 *given back.”*

26
27 2. *“Are you currently the subject of an inquiry, review or investigation for*
28 *alleged misconduct or alleged violation of professional standards of*
29 *conduct by either an employer, any professional licensure agency, or*
30 *any state agency such as a Department of Education, a Department of*
31 *Human Services, or law enforcement?”*

- 32 • No

1 **3.** *“Have you ever been investigated by an employer or any state agency*
2 *for alleged physical or sexual abuse? Have you ever been placed on leave*
3 *by an employer for alleged misconduct of any type?”*

- 4 • No

5
6 **4.** *“Have you ever had any adverse action taken on a professional*
7 *certificate, license or charter school registration by an agency other than*
8 *the Oregon Teacher Standards and Practices Commission? Have you*
9 *ever been placed on probationary status for alleged misconduct while*
10 *holding a professional license, certificate, registration, or credential by*
11 *an agency other than the Oregon Teacher Standards and Practices*
12 *Commission?”*

- 13 • No

14
15 **5.** *“Have you ever been denied any professional license for which you*
16 *applied or granted a professional license on a conditional or*
17 *probationary basis for any alleged misconduct?”*

- 18 • No

19
20 **6.** *“Have you ever surrendered a professional license of any kind before its*
21 *expiration date?”*

- 22 • No

23
24 **7.** *“Have you ever been disciplined by any public agency responsible for*
25 *licensure of any kind, including but not limited to educational licensure,*
26 *other than discipline from the Oregon Teacher Standards and Practices*
27 *Commission?”*

- 28 • No

29
30 **8.** *“Have you even been convicted or been granted diversion or conditional*
31 *discharge by any court for any: (a) Felony; or (b) Misdemeanor; or (c)*
32 *Major traffic violation including but not limited to: driving under the*
33 *influence of intoxicants or drugs; reckless driving; fleeing from or*
34 *attempting to elude a police officer; driving while your license was*

suspended, revoked or used in violation of any license restriction; or failure to perform the duties of a driver or witness at an accident?"

- Yes- "DUI in 12/20. Lane County, Oregon. Completed the Diversion program successfully."

9. "Have you ever been arrested or cited for any offense listed in section (8) above which is still pending in the courts? This includes any diversion, conditional discharge or postponed adjudication that has not been dismissed by the courts at the time this application is signed?"

- No

10. "Have you ever had any civil judgment or other court order, including but not limited to a restraining order, entered against you resulting from allegations of abuse, assault, battery, harassment, intimidation, neglect, stalking, or other threatening behavior toward other persons?"

- No

4) On November 1, 2022, TSPC investigative staff conducted a phone interview with McMillan. During the interview McMillan indicated that many of the errors/omissions on her employment applications had been done by accident due to a substance abuse addiction.

IT IS SO STIPULATED:

Stephanie McMillan
Stephanie Lynne McMillan

10/08/2024
Date

Christina Edgar
Christina Edgar, Professional Practices Director
Teacher Standards and Practices Commission

10/10/24
Date

CONCLUSION OF LAW

Your conduct as described in sections two (2) three (3) and four (4) above, constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment); and

1 OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a)(Maintain the
2 dignity of the profession by respecting and obeying the law, exemplifying personal
3 integrity and honesty).

4
5 The Commission's authority to impose discipline in this matter is based upon
6 ORS 342.175.

7 **ORDER**

8 The Commission adopts and incorporates herein the above findings of fact and
9 conclusions of law, and based thereon, imposes a four (4) month suspension and four (4)
10 years of probation on Stephanie Lynne McMillan's Oregon educator license.

11 The period of probation will become effective on the date of adoption of this
12 stipulated order. The period of probation is subject to the following conditions:

- 13
14 1. McMillan shall comply with the Standards for Competent and Ethical
15 Performance of Oregon Educators under Oregon Administrative Rules Chapter
16 584, Division 020.

17
18
19 Issued and dated this 18 day of October, 2024.

20
21 **TEACHER STANDARDS AND PRACTICES COMMISSION**
22 **STATE OF OREGON**

23
24 By  _____

25 ~~Melissa Goff, Interim Executive Director~~

Rae Ette Newman, Chair of TSPC