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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  
MICHAEL R. LUNA ) PUBLIC REPRIMAND

On December 19, 2022, the Teacher Standards and Practices Commission (Commission) received a misconduct report from the David Douglas School District (DDSD), indicating possible professional misconduct on the part of licensed educator, Michael R. Luna, (Luna).

After review of the matters alleged, Luna 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 Public Reprimand.

This Order sets forth the facts upon which the parties have agreed and the sanction to be imposed. Luna 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, Luna waives the right to a hearing to contest the findings of fact, conclusions of law and order set forth below.

By signing below, Luna acknowledges, understands, stipulates, and agrees to the following: (i) he has been fully advised of his 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 Luna nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) he 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) he states that no promise or representation has been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with regard to his 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 Luna since March 27, 1990. Luna holds a  
6 Professional Teaching License, with endorsements in Social Studies (PK-12) and  
7 Special Education Generalist (PK-12), valid from July 3, 2019 to July 2, 2024.  
8 During all relevant times, Luna was employed by the David Douglas School  
9 District (DDSD).  
10
- 11 2. On December 19, 2022, TSPC received a school district misconduct report from  
12 DDSD Assistant Superintendent, Candy Wallace (Wallace) alleging professional  
13 misconduct against Luna. The report specifically alleged that Luna failed to  
14 discipline a student per school policy and was dishonest about the actions he took  
15 with the student when questioned about the incident by his immediate  
16 supervisor.  
17
- 18 3. According to DDSD records and TSPC's investigation, the following events  
19 occurred:  
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- 21 • On or about November 17, 2022 a David Douglas High School (DDHS)  
22 student (IP) was suspected of smoking marijuana in a bathroom at school.  
23 DDHS security conducted a consensual search of IP's backpack, and a  
24 canister of pepper spray was located.
  - 25 • DDHS security wrote up a "referral" slip about the incident and walked  
26 student IP to Luna's office with the canister of pepper spray.
  - 27 • DDHS security left student IP in Luna's office and returned to duty outside of  
28 the classroom after handing Luna both the pepper spray canister and the  
29 written referral slip.
  - 30 • DDHS security contacted Luna later in the day and asked what had happened  
31 with student IP.
  - 32 • Luna told DDHS security personnel that he had made "an executive decision"  
33 with regards to how he handled student IP and the canister of pepper spray.  
34 Luna did not elaborate further on what the "executive decision" was.

- 1 • On or about November 17, 2022, DDHS Assistant Principal Joe Talley  
2 (Talley) asked Luna for the physical copy of the written referral for this  
3 incident. Luna told Talley “I don’t remember the referral at all.”  
4 • On or about November 31, 2022, Luna was again questioned about this  
5 incident by Talley.  
6 • During that meeting, Luna told Talley that the pepper spray canister found in  
7 IP’s possession was empty and that Luna had disposed of it.  
8 • On December 7, 2022, Talley again spoke to Luna about IP and the pepper  
9 spray canister. During this meeting, Talley showed Luna a photograph of the  
10 full pepper spray canister hidden inside his desk. The photograph was taken  
11 on or about November 21, 2022.  
12 • Talley asked Luna why he had lied to him about the canister. Luna responded  
13 that it was because Talley had made a previous statement about wanting to  
14 discipline IP based on her race and the optics of the situation. (IP is  
15 Caucasian and a similar incident involving a minority student possessing  
16 pepper spray had happened prior to this incident. Luna reported that Talley  
17 had concerns about how it would look if one student was disciplined, and the  
18 other was not.) Luna also stated that he had spoken to IP’s parents over the  
19 phone, and they had reported to him that they had purchased IP the pepper  
20 spray canister so IP had means of self-protection when she walked home after  
21 school (often times in the dark.)  
22 • Also on December 7, 2022, Talley located a stack of several paper referrals  
23 located in a locked shred bin in Luna’s office. Contained in the stack was IP’s  
24 referral for the incident described above, as well as several other disciplinary  
25 student referrals for the past several months that had not been followed up  
26 on.  
27 • On December 19, 2022 Luna was placed on administrative leave pending  
28 resolution to this matter.  
29 • On January 3, 2023, Luna entered into a separation agreement with the  
30 DDS and resigned in lieu of termination effective August 31, 2023.  
31  
32  
33 4) On April 17, 2023, Luna interviewed with TSPC investigative staff via video  
34 conference. Present during the interview was Luna’s attorney, Krista Cordova.

1 During the interview Luna confirmed the events and fact listed above and  
2 admitted to being dishonest with Talley about the pepper spray. Luna expressed  
3 frustration about the school's discipline policy regarding prohibited item  
4 possession by students and stated that the policy always resulted in the student  
5 being expelled. Luna reported that IP was an exceptional student and feared an  
6 expulsion would negatively impact her life. Luna reported that he did not  
7 remember received the paper copy of the discipline referral for IP and believed  
8 that the referral had been placed in the shred bin by accident. Luna reported that  
9 he believed that all of the other referrals in the bin had been completed and  
10 stated that he did not believe that any additional follow-up on them was required.  
11 Luna concluded the TSPC interview by apologizing and stated that he regretted  
12 lying to Talley about the pepper spray. Luna also reported that he has now retired  
13 from teaching full-time and would like the option of being able to substitute teach  
14 part-time in the future.

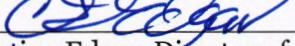
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16 IT IS SO STIPULATED:

17

18 Michael R. Luna

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20   
21 Cristina Edgar, Director of Professional Practices  
22 Teacher Standards and Practices Commission

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**CONCLUSION OF LAW**

25 *The conduct described in sections two (2), and three (3) above constitutes*  
26 *gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-*  
27 *0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional*  
28 *judgment), OAR 584-020-0020(2)(d) (Skill in the supervision of students), and*  
29 *OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and*  
30 *regulations).*

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

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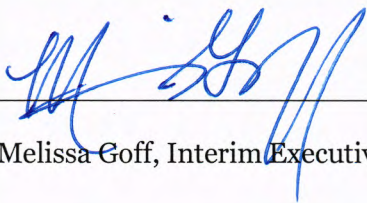
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**ORDER**

The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a Public Reprimand.

Issued and dated this 15<sup>th</sup> day of April 2024.

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

By  \_\_\_\_\_  
Melissa Goff, Interim Executive Director