1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON			
3 4 5 6 7	In the Matter of the Teaching License of GERALD GLEN MILLER)))	DEFAULT ORDER OF REVOCATION OF RIGHT TO APPLY	
8	On June 6, 2011, the Teacher Standards an	d Practi	ices Commission (Commission) issued	
9	a Notice of Opportunity for Hearing to Gerald Gler	n Miller	(Miller) in which the Commission	
10	charged him with Gross Neglect of Duty pursuant	to ORS	342.175(1)(b); OAR 584-020-	
11	0040(4)(n) as it incorporates OAR 584-020-0010	(5), OAl	R 584-020-0015(2)(a) and OAR 584-	
12	020-0015(2)(e); OAR 584-020-0040(4)(o) as it in	corpora	ates OAR 584-020-0035(1)(b), OAR	
13	584-020-0035(1)(c)(D), and OAR 584-020-0035(3)(a); O	AR 584-020-0040(4)(d); OAR 584-	
14	020-0040(4)(e); OAR 548-020-0040(4)(f) as defi	ned by	OAR 584-020-0005(5); and Gross	
15	Unfitness in violation of ORS 342.175(1)(c); OAR 5	584-020	0-0040(5)(c) and OAR 584-020-	
16	0040(5)(e). The Notice was sent via U.S. First Cla	ss Mail	and U.S. Certified Mail Receipt 7010	
17	0290 0001 6831 3599 to the address on file with the	he Com	mission. The certified mail was signed	
18	for on or about June 7, 2011. The Notice of Oppor	tunity o	f Hearing, dated June 6, 2011, and	
19	signed by Victoria Chamberlain, Executive Director	r, state	d:	
20 21 22 23 24 25 26 27	"IF A REQUEST FOR HEARING IS NOT FOUR RIGHT TO A HEARING SHALL BE FAILURE TO REQUEST A HEARING WAS IF YOU DO NOT REQUEST A HEARING OF HEARING, THE COMMISSION WILL ADDINCLUDE THE REVOCATION OR SUSPENDISCIPLINE."	CONSI S BEYO OR IF YO OPT AN	DERED WAIVED UNLESS YOUR ND YOUR REASONABLE CONTROL. OU FAIL TO APPEAR AT A I ORDER OF DEFAULT WHICH MAY	
28	On June 13, 2011, TSPC received notice from Mille	er's Atto	rney, Adam Arms, that Miller was	
29	requesting a hearing. A hearing was scheduled, w			
30	January 27, 2011, at 11:00 a.m. On January 26, 20		1	
31	Administrative Hearings, that Miller had withdray			
32	Attorney Adam Arms dated January 11, 2011. The			
33	default and enters the following findings of fact, co		ons of law and order, based on the files	
34	and records of the Commission concerning this m	atter.		
35				

1		FINDINGS OF FACT
2 3 4 5	1.	Miller has been licensed as a teacher in Oregon since April 17, 1998. Miller's Standard Teaching License with endorsements in Basic Chemistry and Standard Biology, issued on August 14, 2008, expired on August 21, 2011. During all relevant times, Miller was employed by the Amity School District.
6 7 8 9 10 11 12	2.	On December 15, 2010, Miller was convicted of one count of Assault in the Fourth Degree (ORS 163.160(2)) a Class-A Misdemeanor, and one count of Harassment (ORS 166.065(3)), a Class-B Misdemeanor. Miller was sentenced to 30 days incarceration in the Yamhill County Jail, and 30 months of supervised probation. As part of Miller's conviction, he was ordered not to have contact with the victim in this case, not accept employment primarily having contact with minors without first being approved by the court, and to undergo a mental evaluation.
13 14	3.	The conduct leading to Miller's convictions was that on or about June 1, 2009, Miller struck a female student in the face and pulled her by the hair.
15 16 17 18	4.	In addition to the conduct that resulted in Miller's criminal convictions, Miller had additional inappropriate interactions with the same female student. On one occasion Miller had physical contact with the student when he placed an obsidian stone on her lower tailbone to see if she could feel anything.
19 20	5.	The incident with the obsidian stone was part of Miller's conduct of espousing personal religious views in his science class, such as ESP, New Age beliefs, and work with crystals.
21		CONCLUSIONS OF LAW
22 23 24		Gerald Glen Miller's above described conduct in section 2 above, constitutes gross glect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates AR 584-020-0010(5) (<i>Use professional judgment</i>); OAR 584-020-0040(4)(o) as it
25		corporates OAR 584-020-0035(3)(a) (Maintain the dignity of the profession by respecting
26		d obeying the law, exemplifying personal integrity and honesty); This conduct also
27		nstitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c)
28		onviction of violating any federal, state, or local law. A conviction includes any final
29		dgment of conviction by a court whether as the result of guilty plea, no contest plea or any
30	oti	her 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) (<i>Use professional judgment</i>); OAR 584-020-0040(4)(0) 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)(0)		
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 day of February, 2012.		
26	TEACHER STANDARDS AND PRACTICES COMMISSION		
27 28			
29	By: Mamuelain		
30 31	Victoria Chamberlain, Executive Director		
32 33	NOTICE OF APPEAL OR RIGHTS		
34	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE		
35 36	OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE O THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO		
37	THE OREGON COURT OF APPEALS.		

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Gerald Glen Miller 1359 Emmons Dr NE Salem OR 97301-2900

Dated this 7th day of February, 2012.

Patty Liddell

Investigative Assistant