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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 REPRIMAND
GARY MICHAEL MILLER)

On November 18, 2015, the Teacher Standards and Practices Commission (Commission) received a report from the Grants Pass School District alleging professional misconduct on the part of licensed educator, Gary Michael Miller (Miller).

After review of the matters alleged, Miller 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 followed by a period of probation.

By signing below, Miller 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 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 Miller 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 attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

1 **STIPULATION OF FACTS**

2 1. Gary Michael Miller has been licensed by the Commission since June 22, 2011. Miller's
3 Professional Teaching License, with endorsements in Health (PK-12); Integrated
4 Science (PK-12); Legacy Middle Level (PK-12); and Physical Education (PK-12);
5 is valid from June 13, 2017, through October 9, 2022. During all relevant times,
6 Miller was employed by the Grants Pass School District.

7
8 2. On November 18, 2015, the Commission received a district report alleging Miller
9 had violated professional standards and local policy related to unnecessary
10 physical force with a student. Investigation determined the following:

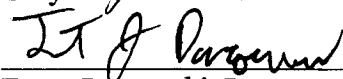
11
12 On or about October 1, 2015, at the end of the school day, student JS jokingly
13 approached Miller and snipped a pair of scissors approximately 12 inches from
14 Miller's head. Miller and JS mutually began to engage in playful pushing /
15 wrestling. While attempting to pull JS's hoodie sweatshirt over his head, Miller
16 unintentionally pulled JS's hair. Witnesses described the encounter as starting
17 out playful but escalating quickly to nearly out of hand. As a result of the
18 horseplay, JS had some redness on his chest area, and Miller had a bruise on his
19 arm as a result of the contact. On October 21, 2015, school officials issued Miller a
20 written reprimand for his conduct and policy violations.

21
22 IT IS SO STIPULATED:

23 
24 _____
25 Gary Michael Miller

6/5/18

Date

26 
27 _____
28 Trent Danowski, Deputy Director
29 Teacher Standards and Practices Commission

6/14/2018

Date

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CONCLUSION OF LAW

Gary Michael Miller’s conduct as described above, violates professional standards. Miller’s conduct 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*), OAR 584-020-0020(2)(d) (*Skill in the supervision of students*), OAR 584-020-0025(2)(a) (*Establishing and maintaining classroom management that is conducive to learning*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*); and OAR 584-020-0040(4)(d) (*Unreasonable physical force against students, fellow employees, or visitors to the school, except as permitted under ORS 339.250*).

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


ORDER

Based on the foregoing, the Commission hereby orders as follows:

- 1. The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a Public Reprimand on Gary Michael Miller’s Oregon educator license(s).

Issued and dated this 20 day of June, 2018.

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

By 

Dr. Anthony Rosilez, Executive Director