BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 1 2 OF THE STATE OF OREGON 3 4 DEFAULT ORDER OF SUSPENSION In the Matter of the Educator License of 5 LANNY F. MITCHELL OF RIGHT TO APPLY FOR LICENSURE) 6 AND PROBATION 7 8 9 On March 14, 2019, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Lanny F. Mitchell (Mitchell) in which the Commission charged 10 him with Gross Neglect of Duty. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail 11 Receipt 7018 1830 0001 6178 3444 to the address on file with the Commission. The Notice 12 13 designated the Commission file as the record for purposes of proving a prima facie case. On April 24, 14 2019, the Certified Mail was returned to the Commission "Unclaimed". The regular, first class mail was not returned to the Commission, and is assumed to have been delivered. The Notice of 15 16 Opportunity of Hearing, dated March 14, 2019, and signed by Anthony Rosilez, Executive Director, 17 stated: 18 "IF A REOUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR 19 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF 20 YOU DO NOT REQUEST A HEARING, WITHDRAW YOUR REQUEST FOR HEARING, OR 21 IF YOU FAIL TO APPEAR AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU 22 23 WILL NOT APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF 24 DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR 25 LICENSE OR OTHER DISCIPLINE." 26 Mitchell did not request a hearing. The Commission, therefore, finds Mitchell to be in default and 27 enters the following findings of fact, conclusions of law, and final order, based on the files and 28 29 records of the Commission concerning this matter. 30 31 FINDINGS OF FACT 1. Lanny Mitchell has been licensed by the Commission since October 21, 2015. Mitchell held a 32 Career and Technical Education I Teaching License, with an endorsement in Arts, 33 Information and Communications: Visual, Performing and Media Arts (CTE) (PK-12), valid 34 from October 21, 2015 through October 20, 2017. Mitchell did not make application for 35 renewal. During all relevant times, Mitchell was employed by the Eugene School District 36 37 (ESD) at Churchill High School. 2. On June 19, 2017, the Commission received a report from ESD, stating that Mitchell failed to 38

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demonstrate professional judgement, respect for students, and appropriate teacher-student

boundaries. Additionally, Mitchell violated the district's sexual conduct policy and could be
 in violation of the Commission's professional standards.

- 3. Multiple students reported that during the 2015-2016 school year and the beginning of the 2016 school year through April of 2017, Mitchell engaged in inappropriate conduct with students. The reported conduct included inappropriate touching, shaming remarks, inappropriate comments regarding drugs and sex, and failing to maintain appropriate teacher-student boundaries. Investigation determined the following:
 - Several female students reported that Mitchell touched them inappropriately while demonstrating choreography, by touching student's hips, buttocks, torsos, and breasts.
 - Students reported Mitchell shamed some students by referring to their weight and body type; indicating they should lose weight if they wanted to try out for drama roles that were not just parts for "Big girls". Mitchell also referred to a student with acne as "Pizza face" on several occasions and in the presence of other students.
 - Mitchell inappropriately discussed sex with students. Mitchell commented on a student who identified as bi-sexual, stating that if she hadn't experienced sex yet, then how did she know she was bi-sexual. Mitchell commented to students how confused Mitchell was that so many students had made up their minds about their sexual orientation in high school and about how many LGBTQ students there were in Eugene. Mitchell shared a story with his class about two students Mitchell had caught backstage. Mitchell jokingly inferred they may have been kissing or engaged in oral sex. This upset the involved female student who requested Mitchell stop, to which Mitchell replied that she was overly sensitive. Upset, this student withdrew from Mitchell's theatre class. During a discussion about breaking into show business, Mitchell half-jokingly told students he had been involved with pornographic videos and that an actor needed to do what they had to in order to get by on the East Coast.
 - Mitchell discussed with students his use of marijuana, both recreationally and as a sleep aid.
 - Mitchell provided gifts to students, including a smart watch, clothing and footwear.
 Mitchell "motivated" students by threatening them with the loss of their assigned roles or threatened to leave the program himself if students failed to perform, practice or rehearse as Mitchell expected.
- 4. On June 26, 2017 and again on October 15, 2018, a Commission investigator sent Mitchell a first class letter and a certified letter to his known address(s), officially requesting an

interview. The investigator advised Mitchell that by Oregon Administrative Rules, he was required to cooperate with the investigation, including participating in an interview, or be subject to discipline for not participating. The certified mail return receipts were signed and returned to the Commission as delivered on both occasions. In addition, the investigator also emailed Mitchell the same request. Despite multiple official requests for an interview, Mitchell refused to contact the investigator as directed and failed to cooperate in the investigation as required by rule.

CONCLUSIONS OF LAW

Mitchell's conduct described in sections two (2) and three (3) 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(1) (Recognize the worth and dignity of all persons and respect for each individual), OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-0025(2)(e) (Using district lawful and reasonable rules and regulations), OAR 584-020-0030(2)(b)(Skill in communicating with administrators, students, staff, parents, and other patrons); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(A) (Not demonstrating or expressing professionally inappropriate interest in a student's personal life), and OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and conversations at all times).

Mitchell's conduct described in section four (4) above, constitutes gross neglect of duty in violation of OAR 584-020-0040(4)(p) (Subject to the exercise of any legal right or privilege, failure or refusal by an educator under investigation to respond to requests for information, to furnish documents or to participate in interviews with a Commission representative relating to a Commission investigation).

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

FINAL ORDER

The Commission hereby suspends Lanny F. Mitchell's right to apply for an Oregon educator license for a period of six (6) months, to begin upon the date this order is signed and in effect.

In addition, the Commission places Mitchell on probation for a period of two years to commence upon Mitchell's reinstatement from suspension. This probation period is subject to the following terms and conditions:

1 2 3	 Mitchell shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020. 	
4 5	 Mitchell shall successfully complete a Commission approved training on Boundaries within the first year of probation. 	}
6 7 8 9 10	Violation of any term or condition of probation shall constitute an independent basis for the Commission to revoke Bradford's teaching license or otherwise impose discipline, after first providing Bradford with notice and opportunity for hearing.	r
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14	IT IS SO ORDERED THIS5 th day of June, 2019.	
15	TEACHER STANDARDS AND PRACTICES COMMISSION	
16 17 18 19	By:	
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22 23	NOTICE OF APPEAL OR RIGHTS	
24 25 26 27 28	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.	OF