1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
5 6 7	In the Matter of the ) DEFAULT ORDER OF Teaching License of ) LICENSE REVOCATION TONY ALAN MUELLER )
8	On February 1, 2012, the Teacher Standards and Practices Commission (Commission)
9	issued a Notice of Opportunity for Hearing to Tony Alan Mueller (Mueller) in which the
10	Commission charged him with Gross Neglect of Duty pursuant to ORS 342.175(1)(b); OAR 584
11	020-0040(4)(n), OAR 584-020-0010(5), OAR 584-020-0015(2)(e), OAR 584-020-0025(2)(a),
12	OAR 584-020-0025(2)(e), OAR 584-020-0040(4)(d), OAR 584-020-0040(4)(e), and gross
13	unfitness in violation ORS 342.175(1)(c); OAR 584-020-0040(5)(e). The Notice was sent via
14	U.S. First Class Mail and U.S. Certified Mail Receipt 7009 1410 0002 1925 3198 to the address
15	on file with the Commission. The Certified Mail was signed for on February 2, 2012. The regular
16	mail was not returned to the Commission. The Notice of Opportunity of Hearing, dated February
17	1, 2012, and signed by Victoria Chamberlain, Executive Director, stated:
18 19 20 21 22 23 24 25	"IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
26	Mueller did not request a hearing. The Commission, therefore, finds Mueller to be in default and
27	enters the following findings of fact, conclusions of law and order, based on the files and record
28	of the Commission concerning this matter.
29	FINDINGS OF FACT
30	1. Tony Alan Mueller has been licensed as a teacher in Oregon since August 4, 1989. His
31	current Basic Teaching License, issued on February 23, 2011, is valid until February 22,
32	2014. During all relevant times Mueller was employed by Parkrose Public School District.
33	2. On February 17, 2011, Mueller struck a thirteen-year-old student (HG) with a clipboard by
34	throwing the clipboard at the student from a distance of several feet. The clipboard struck
35	HG in the back, knocking him to the ground where he lay injured and crying. The incident
36	left a visible scratch and red mark on HG's back. Mueller failed to check on HG to determine
37	if he was injured or required help. Mueller's conduct was witnessed by the other students in
38	the class. Mueller was subsequently charged with the crime of Harassment for his conduct.
39	Mueller entered into an agreement with the courts, allowing him court diversion. After

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- Mueller completed the required community service and other conditions, his case was dismissed.
- 3. Mueller demonstrated a pattern of behaviors involving inappropriate physical contact with 3 4 students and corporal punishment dating back to 2004. This includes at least three additional incidents dating from 2004 until the incident cited above in section 2. These 5 6 incidents include Mueller inappropriately physically escorting a student by pulling his arm 7 and wrist causing pain, escorting a student by grabbing his backpack and shoulder while pulling him to the office, and throwing a basketball, overhand and with enough force at a 8 9 student, to cause that student to fall to the ground crying. This incident occurred approximately two weeks prior to the clipboard incident mentioned in section two (2) of this 10 document and involved the same student, HG. Mueller throwing the basketball in this 11 manner caused pain and injury to HG and was witnessed by other students. Management 12 attempted to correct Mueller's inappropriate behavior by providing Mueller with additional 13 training and workshops, documentation of incidents and issued directives and discipline. 14

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CONCLUSIONS OF LAW

On February 17, 2011, Tony Allen Mueller willfully struck a student with a clipboard causing injury; this was not the first time Mueller imposed corporal punishment upon a student. This 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 584-020-0015(2)(e)(Skill in the selection and use of teaching techniques conducive to student learning); 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); 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); OAR 584-020-0040(4)(e)(Violent or destructive behavior on school premises or at a school-sponsored activity). This conduct also constitutes gross unfitness in violation ORS 342.175(1)(c); OAR 584-020-0040(5)(e)(Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction). 111 III111 111

1	The Commission's authority to impose discipline in this matter is based upon ORS
2	342.175.
3	FINAL ORDER
4	The Commission hereby revokes the licensure of Tony Alan Mueller.
5	IT IS SO ORDERED THIS 10 day of July, 2012.
6	TEACHER STANDARDS AND PRACTICES COMMISSION
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9	Tutorta Kamberlain
10	By: Victoria Chamberlain, Executive Director
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15	NOTICE OF APPEAL OR RIGHTS
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17 18 19 20 21	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.

## **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:

Tony Alan Mueller 7355 SE Jack Rd Milwaukie, OR 97222

Patty Liddell

**Investigative Assistant**