

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON

3 In the Matter of) ORDER OF
4 the Educator License of:) LICENSE REINSTATEMENT
5 TONY ALLEN MUELLER))
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8 This matter came before the Commission on April 8, 2016, to consider Tony Mueller's
9 request to reinstate his Oregon educator's license that was revoked by default order on July 10,
10 2012. Mr. Mueller appeared before the Commission unrepresented on April 8, 2016, and is
11 considered eligible for reinstatement under the Commission's rules. The Commission
12 established conditions that Mr. Mueller had to fulfill prior to reinstatement and on April 26, 2016,
13 drafted a conditional order to that end. Mr. Mueller complied with the Commission's established
14 conditions and fulfilled all requirements on November 14, 2016, and submitted evidence of
15 completion to the Commission.

16 Whereas after reviewing the evidence submitted by Mr. Mueller along with his personal
17 statement to the Commission, the Commission agrees to the reinstatement of Tony Mueller's
18 Oregon educator license and the reinstatement of Mr. Mueller's right to apply for any Oregon
19 educator license that he may be eligible for. The Commission commends Mr. Mueller's
20 commitment to self-improvement and professional development as demonstrated by his
21 completed training and reflection paper.

22 Now therefore, the Commission orders that Tony Mueller's Oregon educator license and
23 Mr. Mueller's right to apply for an Oregon educator license is reinstated effective November 14,
24 2016.

25 Issued and dated this 14th day of November, 2016.

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

28 By Monica Beane
29 Dr. Monica Beane, Executive Director
30

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON
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4 In the Matter of the) DEFAULT ORDER OF
5 Teaching License of) LICENSE REVOCATION
6 TONY ALAN MUELLER)

7
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 “IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD,
19 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR
20 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE
21 CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR
22 AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH
23 MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR
24 OTHER DISCIPLINE.”
25

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 records
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

1 Mueller completed the required community service and other conditions, his case was
2 dismissed.

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

15 **CONCLUSIONS OF LAW**

16 On February 17, 2011, Tony Allen Mueller willfully struck a student with a clipboard
17 causing injury; this was not the first time Mueller imposed corporal punishment upon a student.
18 This conduct constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
19 0040(4)(n) as it incorporates OAR 584-020-0010(5)(*Use professional judgment*), OAR 584-020-
20 0015(2)(e)(*Skill in the selection and use of teaching techniques conducive to student learning*);
21 OAR 584-020-0025(2)(a)(*Establishing and maintaining classroom management that is*
22 *conducive to learning*), OAR 584-020-0025(2)(e)(Using district lawful and reasonable rules and
23 regulations); OAR 584-020-0040(4)(d)(*Unreasonable physical force against students, fellow*
24 *employees, or visitors to the school, except as permitted under ORS 339.250*); OAR 584-020-
25 0040(4)(e)(*Violent or destructive behavior on school premises or at a school-sponsored*
26 *activity*). This conduct also constitutes gross unfitness in violation ORS 342.175(1)(c); OAR 584-
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28 *absence of a conviction*).

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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 10th day of July, 2012.

6 TEACHER STANDARDS AND PRACTICES COMMISSION

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9 By: _____
10 Victoria Chamberlain, Executive Director

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NOTICE OF APPEAL OR RIGHTS

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.

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6 TEACHER STANDARDS AND PRACTICES COMMISSION

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10 Victoria Chamberlain, Executive Director

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