

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-
27 020-0040(5)(e)(*Admission of or engaging in acts constituting criminal conduct, even in the*
28 *absence of a conviction*).

29 / / /

30 / / /

31 / / /

32 / / /

33 / / /

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
7
8



9 By: _____
10 Victoria Chamberlain, Executive Director
11
12
13
14

15 **NOTICE OF APPEAL OR RIGHTS**

16
17 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
18 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
19 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
20 THE OREGON COURT OF APPEALS.
21

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

Dated this 10th day of July, 2012.

By: *Patty Liddell*
Patty Liddell
Investigative Assistant