



# SUPERINTENDENT OF PUBLIC INSTRUCTION

RANDY I. DORN OLD CAPITOL BUILDING • PO BOX 47200 • OLYMPIA WA 98504-7200 • <http://www.k12.wa.us>

IN THE MATTER OF THE EDUCATION	)	
CERTIFICATE OF	)	OPP No. D12-04-021
	)	
Gerald Miller	)	FINAL ORDER
Certificate No. 356054G	)	OF SUSPENSION
	)	

COMES NOW the Office of Superintendent of Public Instruction (OSPI), under the authority granted by the laws of the state of Washington, having reviewed the file of the above-referenced case, and having considered the entire evidence contained therein, does hereby suspend the Washington Education Certificate No. 356054G, of Gerald Miller for twenty-four (24) months based on the Findings of Fact and Conclusions of Law set forth below:

### FINDINGS OF FACT

1. Gerald Miller was issued a Washington education certificate, No. 356054G, on September 11, 1997. That certificate currently remains valid.
2. On March 20, 2012, the Office of Professional Practices (OPP), within OSPI, received information through the National Association of State Directors of Teacher Education and Certification, that the state of Oregon had taken action against Gerald Miller's teaching credentials.

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GERALD MILLER  
FINAL ORDER OF SUSPENSION



3. During the 2008-2009 school year, Gerald Miller was employed by the Amity School District in Amity, Oregon.

4. During the 2008-2009 school year, Gerald Miller had inappropriate interactions with S.J., a 16 year old female high school student. The inappropriate interactions include, but are not limited to: giving S.J. jewelry; becoming visibly upset when S.J. did not wear the gifted items; placed an obsidian stone on her lower back/buttocks while in the classroom; whispering into his cupped hands and then making a throwing motion towards her; telling her that she had special powers or spirits attached to her; and presented a paper clip to her saying that it would be a "sign of our courtship".

5. During the 2008-2009 school year, Gerald Miller placed the obsidian stone against the lower back/buttocks of E.H., a 12<sup>th</sup> grade female student, telling her that this was "to relieve tension".

6. On May 18, 2009, Gerald Miller was issued a reprimand with directives for having physical contact with a female student and addressing ESP/New Age topics with students and staff.

7. On June 1, 2009, S.J. was walking down the hall at Amity High School when she was stopped by Gerald Miller. Gerald Miller grabbed S.J by her hair and told her, "You shouldn't have done what you did.", and slapped her on the left side of her face with his open hand, twice. Gerald Miller let S.J. go and went back into his classroom.

8. On June 2, 2009, Mike Solem, Principal of Amity High School, sent a letter to the Oregon Teacher Standards and Practices Commission (TSPC) reporting Gerald Miller's inappropriate contact with a student.

9. On June 4, 2009, Gerald Miller was cited by the Amity Police Department for Assault in the Fourth Degree and Harassment, Oregon Revised Statute (ORS) 163.160 and ORS 166.065; Amity Police Department Case Report No. 09000096.

10. On June 6, 2009, Gerald Miller submitted a letter of resignation to the Amity School District, resigning his employment effective immediately.

11. On June 12, 2009, S.J. received a call from a restricted number at her home. The male caller said "I was serious when I said you shouldn't have done what you did." S.J. disconnected the call and received six more calls in the next hour from a restricted number. After the first call, S.J. did not answer the phone; Amity Police Department Case Report No. 09000096.

12. On June 12, 2009, Gerald Miller was arrested and booked into the Yamhill County Correctional Facility by the Amity Police Department for Assault in the Fourth Degree, Harassment and two counts of Sexual Harassment, ORS 163.160, ORS 166.065 and ORS 166.065(4); Amity Police Department Case Report No. 09000096.

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13. On June 15, 2009, a District Attorney's Information Charging an Offense Punishable as Other Than a Felony and an Affidavit in Support of Probable Cause Arrest were filed in the Yamhill County Circuit Court charging Gerald Miller with Assault in the Fourth Degree, Harassment and two counts of Sexual Harassment, ORS 163.160, ORS 166.065 and ORS 166.065(4); Yamhill County Circuit Court No. MI090554.
14. On December 14, 2010, a Motion and Order of Dismissal was filed in the Yamhill County Circuit Court dismissing two counts of Sexual Harassment due to insufficient evidence, ORS 166.065(4); Yamhill County Circuit Court No. MI090554.
15. On December 15, 2010, a Verdict Form was filed in the Yamhill County Circuit Court. Gerald Miller was found guilty of Assault in the Fourth Degree and Harassment, ORS 163.160 and ORS 166.065; Yamhill County Circuit Court No. MI090554.
16. On January 13, 2011, a Judgment was filed in the Yamhill County Circuit Court. As part of the judgment, Gerald Miller was ordered not to have contact with the victim in the case, not accept employment primarily having contact with minors without first being approved by the court, to undergo a mental health evaluation, and follow through with any recommended treatment; Yamhill County Circuit Court No. MI090554.
17. On June 6, 2011, the Oregon TSPC issued a Notice of Opportunity for Hearing to Gerald Miller charging him with Gross Neglect of Duty. Gerald Miller was given twenty-one days to request a hearing.

18. On February 6, 2012, the Oregon TSPC issued a Default Order of Revocation of Right to Apply revoking Gerald Miller's Oregon Standard Teaching license.

19. On June 6, 2012, OPP sent a letter to Gerald Miller advising him of his opportunity to respond to the allegations of misconduct, as per the Revised Code of Washington (RCW) 28A.410.090.

20. On June 11, 2012, Gerald Miller provided OPP with a written statement via email.

21. Good moral character and personal fitness is a continuing requirement to maintain a Washington Education Certificate.

#### CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Gerald Miller and over the subject matter of this action.
2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate No. 356054G, of Gerald Miller, should be suspended for unprofessional conduct and/or lack of good moral character or personal fitness. RCW 28A.410.090, WAC 181-86-070, WAC 181-87-060 WAC 181-86-013 and/or WAC 181-86-014.

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ORDER

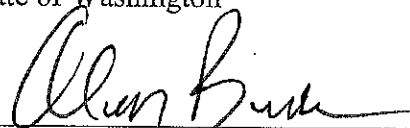
THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 356054G, of Gerald Miller be suspended for twenty-four (24) months.

Reinstatement will require: (1) Gerald Miller to provide OPP with a copy of the mental health evaluation completed for Yamhill County Circuit Court No. MI090554; (2) successful completion of an additional psychological evaluation which validates Gerald Miller's ability to have unsupervised access to students, by a licensed psychologist mutually agreed upon by OPP and Gerald Miller; (3) that Gerald Miller provide written consent for OSPI to release documents to the evaluator for purposes of completing an evaluation and/or course of treatment; (4) that Gerald Miller provides written consent authorizing OPP to have access to records of any and all subsequent treatment undertaken; (5) successful completion and/or continued compliance of any and all recommended treatment; (6) and that the cost of conformance to all reinstatement requirements will be the responsibility of Gerald Miller.

AND Reinstatement shall (also) require submission of a new application, including Character and Fitness Supplement, provided by OPP and having Gerald Miller's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP). Reinstatement shall be also contingent upon Gerald Miller's fingerprint background check returning with no criminal convictions that are listed in WAC 181-86-013, RCW 28A.410.090, no convictions of any criminal statute where the victim is a minor, and/or any felony convictions.

DATED This 29 day of January, 2013.

RANDY I. DORN  
Superintendent of Public Instruction  
State of Washington



Alan Burke, Ed. D  
Deputy Superintendent  
K-12 Education