



SUPERINTENDENT OF PUBLIC INSTRUCTION

Chris Reykdal 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. D19-07-066

STEPHANIE MCMILLAN)
Certificate No. 417129D)

FINAL ORDER
OF SUSPENSION

After receiving and investigating a complaint from Battle Ground School District (School District) regarding the above referenced educator, and based upon the facts available as of the date of this Proposed Order, the Superintendent of Public Instruction, through his undersigned designee, institutes this proceeding and finds, as described below, that STEPHANIE MCMILLAN (Educator) lacks good moral character and personal fitness, to include WAC 181-86-013(3) and -014, and engaged in acts of unprofessional conduct to include WAC's 181-87-050(1) and 181-87-055(1)(3), and that the Educator's Washington Education Certificate No. 417129D shall be SUSPENDED for not less than NINE (9) MONTHS with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On May 27, 2004, the Educator was issued Washington Education Certificate No. 417129D. The Educator's certificate has no expiration date.
2. During the 2018–2019 school year, the Educator was employed by the School District at Battle Ground High School as a Special Education Teacher.

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3. On July 17, 2019, the Office of Professional Practices (OPP) within the Office of Superintendent of Public Instruction (OSPI) received a complaint from Mark Ross, the Superintendent of the School District, alleging that the Educator has committed unprofessional conduct pursuant to WAC 181-87 for being in possession of an alcoholic beverage during the school day on school premises.

4. The Educator was employed by the Gresham-Barlow School District in Oregon from August 2015 to February 9, 2018. During the 2017–2018 school year, the Educator was employed as a Program Director in the Student Support Services Office.

5. On January 10, 2018, the Educator met with David Atherton, McCarty Middle School Principal. Mr. McCarty observed that the Educator was drinking from a travel cup and had indicia of being under the influence of intoxicants.

a. The Educator left McCarty Middle School and began to drive to Clear Creek Middle School; however, she was contacted by Gresham-Barlow School District administrators and instructed to meet them at different location.

b. The Educator was taken to an Urgent Care Clinic to provide samples of her breath for a test to determine blood alcohol content. The Educator provided samples of her breath; which resulted in readings of .098 and .094 at 1:04 pm and 1:21 pm. At the clinic, the Educator stated that she had last had an alcoholic drink the previous night.

6. The Educator was placed on administrative leave on January 10, 2018.

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7. On January 16, 2018, the Educator participated in a meeting with Gresham-Barlow School District administrators. During the meeting, the Educator:

- a. Stated she had been drinking the night of January 9, 2018, and the morning of January 10, 2018, prior to school hours;
- b. Denied having any alcohol during school hours; and
- c. When asked if she believed she had a problem, replied, “Yes, but I didn’t think it was a problem until now.”

8. On January 19, 2018, State of Oregon Teacher Standards and Practices Commission (TSPC) received a complaint from Gresham-Barlow School District stating that the Educator reported for work on January 10, 2018, while under the influence of alcohol.

9. On January 29, 2018, TSPC notified the Educator that she was under investigation for allegations of violating the Oregon Administrative Regulations (OAR).

10. On February 9, 2018, the Educator signed a Resignation Agreement with the Gresham-Barlow School District effective that same day.

11. Between October 19, 2018 and October 30, 2018, the Educator submitted an electronic application for employment with the School District.

- a. In the Employment History section of the application, the Educator listed Gresham-Barlow SD as a prior employer and stated the reason for leaving was, “Seeking an educator position closer to home”; and
- b. On a resume submitted with the application, the body of the resume is titled Teaching Experience. Gresham-Barlow School District is not listed on her resume or application.

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12. On or about November 2, 2018, the Educator began employment with the School District received copies of the School District policies and procedures, including Policy E5201-Drug Free Workplace.

13. On May 9, 2019, the Educator was issued a Letter of Instruction for concerns with a student's IEP.

14. On May 13, 2019, the Educator participated in a meeting with Erik Suksdorf, Battle Ground High School Assistant Principal, and Linda Peterson, Battle Ground Education Association Representative, where the Educator was informed her contract for employment would not be renewed for the coming school year.

15. After the meeting, the Educator spoke with Ms. Peterson. While speaking with Ms. Peterson, the Educator was drinking from a travel cup/tumbler. Ms. Peterson observed the odor of alcohol upon the Educator's breath as she spoke.

16. Ms. Peterson advised Mr. Suksdorf of her observations with the Educator.

17. Mr. Suksdorf and a Battle Ground Police Department officer contacted the Educator in her classroom.

- a. The Educator, when offered an opportunity to do so, declined to provide samples of her breath to determine blood alcohol content;
- b. The Battle Ground Police Officer used a department issued breath test instrument to test the contents of the travel cup/tumbler for the presence of alcohol; which resulted in a positive reading for the presence of alcohol; and
- c. The Educator informed the police officer she put some wine into a cup and brought the cup into her classroom but denied drinking any of the wine while she was teaching that day.

18. The Educator was placed on administrative leave on May 13, 2019.

19. On May 14, 2019, the Educator was issued a Written Reprimand for having the odor of alcohol on her breath and for having alcohol in her classroom at school.
20. During a School District investigation, the Educator told the investigator that on May 13, 2019, she had two “hydro-flasks” in her vehicle. One “hydro-flask” contained water, the other contained wine and she grabbed the wrong one (the one containing wine) and brought it into the school building.
21. On May 20, 2019, the Educator submitted her resignation to the District; effective the end of the school year.
22. On June 5, 2019 and June 6, 2019, the Educator submitted applications for employment and attached resumes to the Evergreen School District.
 - a. In the Background Info section, the Educator falsely answered “No” to the question of “Are you currently or have you ever been the subject of certificate or licensing agency inquiry or investigation for allegations of misconduct?”;
 - b. In the Employment History section, the Educator intentionally did not list previous employment with both the Gresham-Barlow School District and the Battle Ground School District and listed only that she had 21 years of teaching experience; and
 - c. In the Professional Experience section of her resume, the Educator intentionally failed to list previous employment with both the Gresham-Barlow School District and the Battle Ground School District.
23. On July 29, 2019, OPP sent the Educator certified mail advising her she was under investigation for allegations of a violation of WAC chapter 181-87.
24. On August 9, 2019, an unknown person at the Educator’s address signed for and received the certified mail from OPP.

25. On October 25, 2019, the Educator submitted an application for employment and attached resumes to the Evergreen School District.

- a. In the Background Info section, the Educator falsely answered ‘No’ to the question of “Are you currently or have you ever been the subject of certificate or licensing agency inquiry or investigation for allegations of misconduct?”;
- b. In the Employment History section, the Educator listed one prior employment; Portland Public Schools from September 2015 to September 2016, and intentionally failed to list previous employment with both the Gresham-Barlow School District and the Battle Ground School District; and
- c. In the Professional Experience section of her resume, the Educator intentionally failed to list previous employment with both the Gresham-Barlow School District and the Battle Ground School District.

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26. On October 31, 2019, the Educator submitted an application for employment and attached resumes to the Evergreen School District.

- a. In the Background Info section, the Educator falsely answered ‘No’ to the question of “Are you currently or have you ever been the subject of certificate or licensing agency inquiry or investigation for allegations of misconduct?”;
- b. In the Employment History section, the Educator listed prior employment with Portland Public Schools from September 2015 to September 2016 and prior employment with Vancouver Public Schools. The Educator intentionally failed to list previous employment with both the Gresham-Barlow School District and the Battle Ground School District; and
- c. In the Professional Experience section of her resume, the Educator intentionally failed to list previous employment with both the Gresham-Barlow School District and the Battle Ground School District.

27. On January 21, 2020, the Educator signed a Stipulation of Facts and Final Order of Public Reprimand and Probation with Oregon TSPC.

28. On February 19, 2020, the Educator participated in an interview with OPP. During the interview, among other comments, the Educator denied an addiction to alcohol and denied she needs treatment for alcohol use. During the interview, the OPP investigator observed a slight odor of intoxicants upon the Educator’s breath. When asked if she had been drinking that day, the Educator stated she had not.

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II. CONCLUSIONS OF LAW

1. Chapter 28A.410 RCW gives the Professional Educator Standards Board the authority to develop regulations determining eligibility for and certification of personnel employed in the common schools of the state of Washington. OSPI acts as the administrator of those statutes and regulations and has the authority to issue, reprimand, suspend, and revoke education certificates. RCW 28A.410.010; RCW 28A.410.090. Chapters 181-86 and 181-87 of the Washington Administrative Code (WAC) further implement OSPI's authority.

2. OSPI has jurisdiction over the Educator and the subject matter of this action.

There is a clear and convincing evidence that the Educator committed acts of unprofessional conduct pursuant to WAC 181-86-170.

3. The Educator committed acts of unprofessional conduct pursuant to WAC 181-87-050(1)(2) when she falsified material facts on applications for professional employment.

4. The Educator committed acts of unprofessional conduct pursuant to WAC 181-87-055(1)(3) when she possessed alcohol and was under the influence of alcohol on school premises after being notified of a concern regarding alcohol.

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5. Pursuant to WAC 181-86-080, eleven factors, at a minimum, are to be considered to determine the appropriate level and range of educator discipline:

- (1) The seriousness of the act(s) and the actual or potential harm to persons or property;
- (2) The person's criminal history including the seriousness and amount of activity;
- (3) The age and maturity level of participant(s) at the time of the activity;
- (4) The proximity or remoteness of time in which the acts occurred;
- (5) Any activity that demonstrates a disregard for health, safety or welfare;
- (6) Any activity that demonstrates a behavioral problem;
- (7) Any activity that demonstrates a lack of fitness;
- (8) Any information submitted regarding discipline imposed by any governmental or private entity as a result of acts or omissions;
- (9) Any information submitted that demonstrates aggravating or mitigating circumstances;
- (10) Any information submitted to support character and fitness; and
- (11) Any other relevant information submitted.

6. Based on the foregoing facts and considering them in light of the eleven factors enumerated in WAC 181-86-080, and in light of WAC 181-86-070, WAC 181-86-170, WAC 181-87-050(1), and WAC 181-87-055(1)(3), the Educator's education certificate should be suspended for unprofessional conduct and a behavioral problem which endangers the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting.

III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate No. 417129D of STEPHANIE MCMILLAN is **SUSPENDED**. The Educator may not request reinstatement of her education certificate for at least NINE (9) months from the effective date of this ORDER.

REINSTATEMENT of Stephanie McMillan's education certificate shall require:

- (1) The Educator must successfully complete a SUBSTANCE ABUSE EVALUATION by a licensed substance abuse evaluation/treatment provider preapproved by OSPI;
- (2) The Educator shall provide written consent for OPP to release documents to the provider for purposes of completing the evaluation;

- (3) The Educator shall sign a consent allowing the examining substance abuse evaluator/treatment provider to provide OPP the results of the Educator's substance abuse evaluation and any treatment recommendations;
- (4) The Educator, if treatment is recommended as a result of the evaluation, shall complete any and all recommended treatment and provide evidence of successful completion or, if continuing treatment is recommended, provide proof of continued compliance in the program to OPP;
- (5) The Educator must submit a new application, including Character and Fitness Supplement, provided by OPP;
- (6) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigation and the Washington State Patrol;
- (7) The Educator's fingerprint background check must return with no criminal convictions, occurring after the date of issuance of a Final Order of Suspension, that are listed in WAC 181-86-013, RCW 28A.410.090, or any felony convictions; AND
- (8) The Educator shall assume all costs of complying with the requirements of this Order.

DATED this 22nd day of September, 2020.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington

Signed: Dierk Meierbachtol
Chief Legal Officer