1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 In the Matter of the STIPULATION OF FACTS AND 4 Educator License of) FINAL ORDER OF SUSPENSION 5 SCOTT M. PHELPS AND PROBATION 6 7 On May 22, 2018, the Teacher Standards and Practices Commission 8 (Commission) opened an investigation after receiving information from the Pleasant Hill 9 School District indicating Scott Phelps (Phelps) may have committed an act of gross 10 neglect of duty and/or gross unfitness, specifically, violating professional teacher / 11 student boundaries. 12 After review of the matters alleged, Phelps and the Commission agree that their 13 respective interests, together with the public interest, are best served by a stipulation to 14 certain facts, the imposition of a one year suspension of Phelps' Oregon educator license, 15 followed by a period of probation. 16 This Order sets forth the facts upon which the parties have agreed and the 17 sanction to be imposed. Phelps stipulates that there are sufficient facts contained in the 18 Commission's files and records to support the findings of fact and conclusions of law set 19 forth below. In entering into this stipulation, Phelps waives the right to a hearing to 20 contest the findings of fact, conclusions of law and order set forth below. 21 By signing below, Phelps acknowledges, understands, stipulates, and agrees to 22 the following: (i) he has been fully advised of his rights to notice and a hearing to contest 23 the findings of fact, conclusions of law, and order set forth below, and fully and finally 24 waives all such rights and any rights to appeal or otherwise challenge this Stipulation of 25 Facts and Final Order of Suspension and Probation (Stipulation and Final Order); (ii) 26 this Stipulation and Final Order is a public document and disclosed to the public upon 27 request by the Commission; (iii) this Stipulation and Final Order is contingent upon and 28 subject to approval and adoption by the Commission. If the Commission does not 29 approve and adopt this Stipulation and Final Order, then neither Phelps nor the 30 Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any force or 31 32 duress, enters into this Stipulation and Final Order and consents to issuance and entry of 33 the Stipulated Final Order below; (vi) he states that no promise or representation has 34 been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully 35

advised with regard to his rights thereto, or waives any and all rights to consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

STIPULATION OF FACTS

- 1. The Commission has licensed Phelps since March 11, 1987. Phelps' Legacy Teaching License, with an endorsement in Physical Education (PK-12), is valid from February 5, 2019 through February 10, 2022. During all relevant times, Phelps was employed by Pleasant Hill School District (PHSD).
- 2. On May 22, 2018, the Commission opened an investigation after receiving information from the Pleasant Hill School District reporting that Phelps had exchanged text messages and memes with a minor, female, high school student. According to the district report, some of these communications were non-school related and violated district policy. The district also reported that Phelps requested that this same female student send a picture of herself to him, which she did. Subsequent investigation determined the following:
 - a. In March 2018, after learning Phelps' contract would not be renewed for the following school year, Phelps provided the school board an undated resignation letter in which his resignation would be effective June 30, 2018, the end of Phelps' contract. On April 9, 2018, the school board accepted Phelps' resignation, and Phelps continued teaching at Pleasant Hill High School.
 - b. On May 15, 2018, two male students reported to school officials that they observed a photo of KM, a minor, female classmate, on Phelps' cellphone. Additionally, a student observed memes and texts Phelps had exchanged with KM during school hours.
 - c. On May 15, 2018, in Phelps' interview with school staff, Phelps admitted to exchanging texts and memes with KM, and that Phelps had requested KM provide him a photograph of herself to associate with her phone number in his contacts. Phelps was placed on administrative leave pending completion of a district investigation and was directed not to contact any students from the high school while on leave.
 - d. On May 23, 2018, while still employed by the district, Phelps sent KM a text message inquiring if she was still talking to him.

e. On June 27, 2018, after the end of the school year, Phelps initiated a text message exchange with KM requesting Phelps and KM get together to discuss what had happened. On June 28, 2018, Phelps attempted to engage KM by sending her a text message which KM did not respond to. On June 29, 2018, Phelps again attempted to engage KM by sending her a text message which KM did not respond to.

- f. On July 17, 2018, Phelps initiated a text message conversation with KM, again requesting Phelps and KM get together to discuss what happened. KM responded by texting she did not think a meeting would work, that she wanted to move on and she hoped that Phelps could do the same. On July 18, 2018, Phelps texted KM, "Your (sic) killing me, I couldn't sleep at all last night. Could you please send me the picture of you that got me into this mess? I had to delete it the day you sent it." Phelps then immediately texted KM, "Or any other picture you might like me to have, pretty please (smiley face emoji with sunglasses)". KM did not respond. KM's parents placed a six-month block of Phelps' phone number on KM's phone. Phelps continued to text KM; one time on July 19, 2018, one time July 23, 2018, and twice on July 25, 2018. The texts were blocked. On February 14, 2019, Valentine's Day, Phelps texted KM, as well as several other women in his phone contacts, an emoji of a bouquet of flowers.
- g. Phelps denied any romantic interest or other inappropriate purpose in his communications with KM. He indicated that he first met KM because their families had camped near each other and shared meals for four days during the Country Music Festival during the Summer of 2017. In addition, KM had dated Phelps' son for approximately four months, which is why he had her and her parents' phone numbers. KM was also a student in Phelps' second period weight training class, and when she was unable to participate due to an injury, she served as his teaching assistant and would do things like make photo copies. Phelps recognizes that this familiarity might have caused him to have communications with KM he did not typically have with other students. Phelps further indicated that his efforts to contact her after the end of the 2017-2018 school year were aimed at apologizing for any adverse impact the small town rumor mill had caused her.

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2	IT IS SO STIPULATED:
3 4 5 6 7 8 9	Scott Phelps Trent Danowski, Deputy Director Teacher Standards and Practices Commission Date 10/29/2019 Date
10	
11	CONCLUSION OF LAW
12	The conduct described in section two (2) above constitutes gross neglect of duty in
13	violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0040(4)(n) as it incorporates of the second content of the second c
14	020-0010(5) (Use professional judgment), OAR 584-020-0025(2)(e) (Using district
15	lawful and reasonable rules and regulations); OAR 584-020-0040(4)(0) as it
16	incorporates OAR $584\text{-}020\text{-}0035(1)(c)(A)$ (Not demonstrating or expressing
17	professionally inappropriate interest in a student's personal life), OAR $584-020-$
18	$0035(1)(c)(B) \ (Not\ accepting\ or\ giving\ or\ exchanging\ romantic\ or\ overly\ personal\ gifts$
19	or notes with a student); and OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult
20	boundaries with students in conduct and conversations at all times.
21	
22	The Commission's authority to impose discipline in this matter is based upon
23	ORS 342.175.
24	
25	ORDER
26	The Commission adopts and incorporates herein the above findings of fact and
27	conclusions of law, and based thereon, imposes a one (1) year suspension upon Phelps'
28	Oregon educator license as follows:
29	Scott Phelps' Oregon educator license is hereby suspended for one (1) year
30	following the adoption of this order. Phelps must provide proof of successful completion
31	of a Commission approved boundaries training class/course prior to any reinstatement
32	of his licensure.
33	Furthermore, the Commission imposes a two (2) year period of probation upon
34	Phelps to commence upon reinstatement of his Oregon educator license and subject to
35	the following terms and conditions of probation:

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1	 Phelps shall comply with the Standards for Competent and Ethical
2	Performance of Oregon Educators under Oregon Administrative Rules
3	Chapter 584, Division 020.
4	
5	Violation of any term or condition of probation shall constitute an independent basis for
6	the Commission to revoke Phelps's Oregon educator license or otherwise impose
7	discipline, after first providing Phelps with notice and opportunity for hearing
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9	Issued and dated this day of November, 2019.
10	TEACHER STANDARDS AND PRACTICES COMMISSION
11	STATE OF OREGON
12	
13	By
14	Dr. Anthony Rosilez, Executive Director