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DEC 27 2016

Teacher Standards & Practices Commission

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

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In the Matter of the) STIPULATION OF FACTS,
Educator License of) FINAL ORDER OF REVOCATION
JACOB L MCELLIGOT) OF RIGHT TO APPLY FOR LICENSURE

On or about October 7, 2014, the Teacher Standards and Practices Commission (Commission) received a report from the Morrow County Sheriff's Office indicating Jacob L McElligott (McElligott) was subject to a law enforcement investigation regarding allegations of inappropriate conduct in violation of professional standards regarding student / teacher boundaries.

After review of the matters alleged, McElligott and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, and the Revocation of McElligott's Right to Apply for Oregon Teaching Licensure.

This document sets forth the facts upon which the parties have agreed and the stipulated sanction to be imposed. McElligott stipulates that there is sufficient evidence in the Commission's files and records to support the findings of fact, conclusions of law, and order set forth below.

By signing below, McElligott acknowledges, understands, stipulates, and agrees to the following: (i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Revocation of Right to Apply for Licensure (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither McElligott nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it

1 completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final
2 Order and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that
3 no promises or representation has been made to induce him to sign this Stipulation and Final
4 Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order
5 and has been fully advised with regard to his rights thereto, or waives any and all rights to
6 consult with an attorney prior to entering into this Stipulation and Final Order and issuance and
7 entry of the Stipulated Final Order below. In entering into this stipulation, McElligott waives
8 the right to a hearing to contest the findings of fact, conclusions of law and order set forth below.

9 STIPULATION OF FACTS

- 10 1. The Commission has licensed McElligott since October 21, 2003. McElligott held an
11 Initial I Teaching License, with endorsements in Multiple Subjects (MIDLVL) and
12 Multiple Subjects Self-Contained (ECE, ELE), valid from March 18, 2013, through
13 October 25, 2016. McElligott did not make application for renewal.
- 14 2. On October 7, 2014, the Commission received a report from the Morrow County Sheriff's
15 Office indicating McElligott was subject of a law enforcement investigation regarding
16 allegations of inappropriate conduct with a student (the Student). Subsequent
17 Commission investigation indicated that on or about the early morning hours of May 31,
18 2013 (commencement day), McElligott engaged in sexual conduct with the Student, a
19 then 18 year old female student of Irrigon High School. The investigation further
20 indicated that McElligott engaged in a sexual relationship with the Student after her
21 commencement a few more times over the next year, though most of the year she was
22 attending college out of town. During the 2012-2013 school year McElligott denies
23 discussing having sex with the Student before she graduated. McElligott told the Student
24 that he followed a code of conduct that exists between students and teachers, and that
25 relationship is different than the type of relationship adults may have after a student
26 graduates.

1 3. Investigation further determined that during the 2012-2013 school year, McElligott and
2 the Student exchanged personal phone calls and personal text messages. During the
3 spring of 2013, McElligott met with the Student in the softball dugout in the morning
4 hours prior to school starting because she had missed a practice and had to make up the
5 time. During this meeting, McElligott talked with the Student about that fact that she
6 was moving out of her house due to conflict with her parents. He told her that he cared
7 about her and McElligott also told her that he disapproved of her date for the prom. He
8 disapproved because he feared her date may be engaging in behaviors and partying in
9 ways that were unhealthy. While in the dugout, McElligott gave the Student a gift of
10 some nuts that she liked. As a coach, McElligott occasionally provided food treats for
11 students that he knew they liked. Before leaving the dugout area, McElligott gave the
12 Student a "full on hug" and again told her how much he cared for her.

13 4. On December 29, 2014, McElligott participated in an interview conducted by a
14 Commission investigator. During this interview, McElligott was asked the following
15 question in summary and provided the following answers regarding his relationship with
16 the Student:

- 17 • Did you (McElligott) ever have any type of a sexual relationship with the Student
18 when she was a student or after she had graduated from high school. McElligott
19 answered "no sir."

20 IT IS SO STIPULATED:

21 _____
22 Jacob L McElligott

12/22/16

Date

23 _____
24 Dr. Monica Beane, Executive Director
25 Teacher Standards and Practices Commission

12/29/16

Date

1 **CONCLUSION OF LAW**

2 Jacob L McElligott's conduct described in sections two and three above constitutes Gross
3 Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates
4 OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district*
5 *lawful and reasonable rules and regulations*); OAR 584-020-0040(4)(o) as it incorporates
6 OAR 584-020-0035(1)(b) (*Refrain from exploiting relationships with any student for personal*
7 *gain, or in support of persons or issues*), OAR 584-020-0035(1)(c)(A) (*Not demonstrating or*
8 *expressing professionally inappropriate interest in a student's personal life*), OAR 584-020-
9 0035(1)(c)(B) (*Not accepting or giving or exchanging romantic or overly personal gifts or*
10 *notes with a student*), OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries*
11 *with students in conduct and conversations at all times*); and OAR 584-020-0040(4)(f) (*Any*
12 *sexual conduct with a student*). The Commission relies on the definitions of sexual conduct in
13 ORS 339.370(9) and OAR 584-020-0005(5).

14 Jacob L McElligott's conduct described in section four above constitutes Gross Neglect of
15 Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-
16 020-0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(o) as it incorporates OAR
17 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the law,*
18 *exemplifying personal integrity and honesty*); and OAR 584-020-0040(4)(c) (*Falsification of*
19 *any document or knowing misrepresentation directly related to licensure, employment, or*
20 *professional duties*). This conduct also constitutes gross unfitness in violation of ORS
21 342.175(1)(c); OAR 584-020-0040(5)(b) (*Fraud or misrepresentation*).

22 The Commission's authority to impose discipline in this matter is based upon ORS
23 342.175.

24 **ORDER**

25 The Commission adopts the above Stipulation of Facts, and hereby revokes the Right to
26 Apply for Teaching Licensure of Jacob L McElligott.

1 IT IS SO ORDERED this 26th day of January, 2017.

2 TEACHER STANDARDS AND PRACTICES COMMISSION

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By: Monica Beane
Dr. Monica Beane, Executive Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts, Final Order of Revocation of Right to Apply for Licensure, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail – Return Receipt Requested, addressed to:

Jacob Lee McElligott
18623 SW Forest Park RD
Hillsboro, OR 97123

DATED this 6th day of February, 2017.

By: Patty Sheldon
Patty Sheldon
Investigative Assistant

Certificate of Mailing – Jacob Lee McElligott

Data Classification Level: 1 – Published
DO: Sheldon