



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

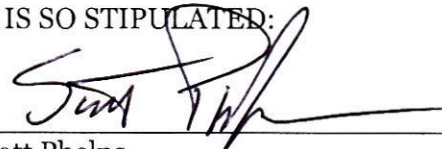
#### 4 5 **STIPULATION OF FACTS**

- 6 1. The Commission has licensed Phelps since March 11, 1987. Phelps' Legacy  
7 Teaching License, with an endorsement in Physical Education (PK-12), is valid  
8 from February 5, 2019 through February 10, 2022. During all relevant times,  
9 Phelps was employed by Pleasant Hill School District (PHSD).
- 10 2. On May 22, 2018, the Commission opened an investigation after receiving  
11 information from the Pleasant Hill School District reporting that Phelps had  
12 exchanged text messages and memes with a minor, female, high school student.  
13 According to the district report, some of these communications were non-school  
14 related and violated district policy. The district also reported that Phelps  
15 requested that this same female student send a picture of herself to him, which  
16 she did. Subsequent investigation determined the following:
- 17 a. In March 2018, after learning Phelps' contract would not be renewed for  
18 the following school year, Phelps provided the school board an undated  
19 resignation letter in which his resignation would be effective June 30,  
20 2018, the end of Phelps' contract. On April 9, 2018, the school board  
21 accepted Phelps' resignation, and Phelps continued teaching at Pleasant  
22 Hill High School.
  - 23 b. On May 15, 2018, two male students reported to school officials that they  
24 observed a photo of KM, a minor, female classmate, on Phelps' cellphone.  
25 Additionally, a student observed memes and texts Phelps had exchanged  
26 with KM during school hours.
  - 27 c. On May 15, 2018, in Phelps' interview with school staff, Phelps admitted  
28 to exchanging texts and memes with KM, and that Phelps had requested  
29 KM provide him a photograph of herself to associate with her phone  
30 number in his contacts. Phelps was placed on administrative leave  
31 pending completion of a district investigation and was directed not to  
32 contact any students from the high school while on leave.
  - 33 d. On May 23, 2018, while still employed by the district, Phelps sent KM a  
34 text message inquiring if she was still talking to him.

- 1 e. On June 27, 2018, after the end of the school year, Phelps initiated a text  
2 message exchange with KM requesting Phelps and KM get together to  
3 discuss what had happened. On June 28, 2018, Phelps attempted to  
4 engage KM by sending her a text message which KM did not respond to.  
5 On June 29, 2018, Phelps again attempted to engage KM by sending her a  
6 text message which KM did not respond to.
- 7 f. On July 17, 2018, Phelps initiated a text message conversation with KM,  
8 again requesting Phelps and KM get together to discuss what happened.  
9 KM responded by texting she did not think a meeting would work, that  
10 she wanted to move on and she hoped that Phelps could do the same. On  
11 July 18, 2018, Phelps texted KM, “Your (sic) killing me, I couldn’t sleep at  
12 all last night. Could you please send me the picture of you that got me into  
13 this mess? I had to delete it the day you sent it.” Phelps then immediately  
14 texted KM, “Or any other picture you might like me to have, pretty please  
15 (smiley face emoji with sunglasses)”. KM did not respond. KM’s parents  
16 placed a six-month block of Phelps’ phone number on KM’s phone. Phelps  
17 continued to text KM; one time on July 19, 2018, one time July 23, 2018,  
18 and twice on July 25, 2018. The texts were blocked. On February 14, 2019,  
19 Valentine’s Day, Phelps texted KM, as well as several other women in his  
20 phone contacts, an emoji of a bouquet of flowers.
- 21 g. Phelps denied any romantic interest or other inappropriate purpose in his  
22 communications with KM. He indicated that he first met KM because  
23 their families had camped near each other and shared meals for four days  
24 during the Country Music Festival during the Summer of 2017. In  
25 addition, KM had dated Phelps’ son for approximately four months, which  
26 is why he had her and her parents’ phone numbers. KM was also a  
27 student in Phelps’ second period weight training class, and when she was  
28 unable to participate due to an injury, she served as his teaching assistant  
29 and would do things like make photo copies. Phelps recognizes that this  
30 familiarity might have caused him to have communications with KM he  
31 did not typically have with other students. Phelps further indicated that  
32 his efforts to contact her after the end of the 2017-2018 school year were  
33 aimed at apologizing for any adverse impact the small town rumor mill  
34 had caused her.

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IT IS SO STIPULATED:

  
\_\_\_\_\_  
Scott Phelps

Oct, 28 2019  
Date

  
\_\_\_\_\_  
Trent Danowski, Deputy Director  
Teacher Standards and Practices Commission

10/29/2019  
Date

**CONCLUSION OF LAW**

The conduct described in section two (2) above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(A) (*Not demonstrating or expressing professionally inappropriate interest in a student's personal life*), OAR 584-020-0035(1)(c)(B) (*Not accepting or giving or exchanging romantic or overly personal gifts or notes with a student*); and OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and conversations at all times*).

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

**ORDER**

The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a one (1) year suspension upon Phelps' Oregon educator license as follows:

Scott Phelps' Oregon educator license is hereby suspended for one (1) year following the adoption of this order. Phelps must provide proof of successful completion of a Commission approved boundaries training class/course prior to any reinstatement of his licensure.

Furthermore, the Commission imposes a two (2) year period of probation upon Phelps to commence upon reinstatement of his Oregon educator license and subject to the following terms and conditions of probation:


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1. Phelps shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

Violation of any term or condition of probation shall constitute an independent basis for the Commission to revoke Phelps's Oregon educator license or otherwise impose discipline, after first providing Phelps with notice and opportunity for hearing

Issued and dated this 8 day of November, 2019.

**TEACHER STANDARDS AND PRACTICES COMMISSION  
STATE OF OREGON**

By  \_\_\_\_\_

Dr. Anthony Rosilez, Executive Director