

1 2. On July 1, 2022 TSPC received a patron complaint from a concern citizen in
2 Nebraska alleging misconduct. The complaint alleged that while Nutter worked
3 as an educator in Nebraska she was investigated and sanctioned by the Nebraska
4 Board of Education (NBE) for misconduct. The misconduct alleged was boundary
5 violation behavior with a minor-aged female high school student. The complaint
6 indicated that the investigation by the NBE resulted in Nutter resigning her
7 teaching position in lieu of termination and a two-year (2) revocation of her
8 Nebraska teaching license effective May 31, 2022.

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10 3. A TSPC investigation determined the following:

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12 On August 25, 2021, Nutter applied for a Professional Teaching license with TSPC.
13 Nutter reported that the sponsoring/employing Oregon district was Spray School
14 District No. 1. On the TSPC application for licensure, Nutter listed the following
15 answers for the character questions:

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17 *Application Question: "Have you ever left any educational or school-related*
18 *employment, voluntarily or involuntarily, while the subject of or within the six*
19 *months following an inquiry, review or investigation of alleged misconduct?"*

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21 *Nutter's response: "At my last district the administration disagreed with how I*
22 *handled a situation and I voluntarily resigned from that position."*

23
24 *Application Question: "Are you currently the subject of an inquiry, review or*
25 *investigation for alleged misconduct or alleged violation of professional*
26 *standards of conduct by either an employer, any professional licensure agency,*
27 *or any state agency such as a Department of Education?"*

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29 *Nutter's response: "The administration at my former district filed a complaint*
30 *and the process is pending."*

1 *Application Question: "Have you ever been investigated by an employer or any*
2 *state agency for alleged physical or sexual abuse?"*

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4 *Nutter's response: "I was placed on administrative leave in my last district but*
5 *not due to alleged sexual abuse. I wasn't informed of the reasoning I was put on*
6 *leave."*

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8 *Application Question: "Have you ever had any adverse action taken on a*
9 *professional certificate, license or charter school registration by an agency*
10 *other than TSPC?"*

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12 *Nutter's response: "I have had adverse action taken on my certificate that is*
13 *currently pending in NE".*

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15 It was documented that besides these questions, Nutter responded "no" to all other
16 character questions and did not provide additional responses.

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18 TSPC investigative staff reached out to the NBE and was provided a copy of a Final
19 Order referencing this matter. The order established the following facts:

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21 *"This matter came before the State Board of Education ("State Board"), Lincoln,*
22 *Nebraska, on May 31, 2022, upon the recommendation of the Nebraska*
23 *Professional Practices Commission ("NPPC") that the public Nebraska teaching*
24 *certificate of the Respondent, Treva Nutter, be suspended for a period of two*
25 *years effective September 10, 2022. Upon its independent review of the entire*
26 *record, the State Board finds, concludes, and orders as follows:*

- 27
28 1. *The State Board has jurisdiction in this case pursuant to Neb. Rev. Stat.*
29 *§ 79-866(2) (2014).*
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31 2. *The Petitioner is Matthew L. Blomstedt, Ph.D., Commissioner of*
32 *Education, P.O. Box 94933, Lincoln, NE 68509-4933.*

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3. *The Respondent is Treva Nutter, P.O. Box 249, Spray, OR 97874.*

4. *The Respondent holds a public Nebraska Standard teaching certificate number 2019002253, endorsed in Physical Education PK-6 and Physical Education 7- 12, with an expiration date of August 31, 2024.*

5. *The Respondent was employed as a physical education teacher by Shickley Public Schools beginning with the 2014-2015 school year until her resignation was accepted by the Shickley School Board on December 14, 2020.*

6. *The Respondent was assigned as an assistant girls' basketball coach for Shickley Public Schools during her employment with the district.*

7. *During the 2020-2021 school year, the Respondent engaged in an inappropriate relationship with a female student, including such conduct as providing letters and gifts to the student, traveling to another city with the student for her to obtain a tattoo, texting the student late at night, and laying in the same hotel bed with the student for three or four hours while attending a state volleyball tournament in November 2020.*

8. *The Respondent failed to follow her administration's verbal directions given to her on or about September 14, 2020, that she limits her interactions with the student to public settings, cease texting the student late at night regardless of the content and ensure that any communications and contact with the student be consistent.*

9. *Based upon the factual allegations contained in the preceding paragraphs of the Petition, the Respondent violated Neb. Rev. Stat. §79-866(2) which states, in part: "The board may, for just cause, revoke or*

1 suspend any teacher's or administrator's certificate. Violation of the
2 standards established pursuant to this section, commission of an
3 immoral act, or conviction of a felony under the laws of this state shall
4 constitute just cause for the revocation or suspension of a teacher's or
5 administrator's certificate by the board."; Title 92, Nebraska
6 Administrative Code, Chapter 27, Section 004.02E (effective date:
7 November 12, 2003) ("the educator: Shall not exploit professional
8 relationships with students, colleagues, parents, school patrons, or
9 school board members for personal gain or private advantage");
10 Section 004.03C (same effective date) ("the educator: Shall make
11 reasonable effort to protect the student from conditions which interfere
12 with the learning process or are harmful to health or safety"); Section
13 004.03D (same effective date) ("the educator: Shall conduct
14 professional educational activities in accordance with sound
15 educational practices that are in the best interest of the student");
16 Section 005.02B2 (same effective date) ("Each teacher ... shall: Adhere
17 to and enforce written and dated administrative policy of the school
18 which has been communicated to the teacher or special services
19 provider"); and Section 005.04A1 (same effective date) ("Each educator
20 shall: Create an atmosphere which fosters interest and enthusiasm for
21 learning and teaching.").

- 22
- 23 10. The NPPC has recommended that the Respondent's certificate be
24 suspended for two years effective September 10, 2020-a date which does
25 not appear in the record. The net effect of the recommended sanction, if
26 adopted by this board, would be that the Respondent's teaching
27 certificate would be automatically reinstated at the end of the
28 suspension period, i.e., September 10, 2022.
- 29
- 30 11. The State Board finds that the recommended sanction is insufficient
31 considering the scope and extent of Respondent's conduct with the
32 student at issue. The State Board further finds that Respondent's

1 *inappropriate and unprofessional interactions with the student*
2 *continued notwithstanding the administration's directives to maintain*
3 *appropriate professional boundaries.*

4
5 12. *By a preponderance of the evidence, just cause exists pursuant to Neb.*

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7 13. *Rev. Stat. § 79-866(2) (2014) to revoke the Respondent's teaching*
8 *certificate for a period of two years.*

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10 14. *Therefore, the public Nebraska Standard teaching certificate of Treva*
11 *Nutter, certificate number 2019002253, endorsed in Physical Education*
12 *PK-6 and Physical Education 7-12, with an expiration date of August 31,*
13 *2024, shall be revoked for a period of two years from and after the date*
14 *of this order”.*

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16 Based on the above, TSPC determined that Nutter had not been truthful and
17 forthcoming on the character questions on your TSPC application for licensure.

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19 4. On May 25, 2023, Nutter interviewed with TSPC investigative staff regarding this
20 matter. Nutter was not represented by an attorney at the time of her interview.
21 During the interview Nutter confirmed that she had work as a Nebraska license
22 educator for the Shickley Public School District from September 2014 and December
23 2020. During the interview, Nutter was provided a copy of the above referenced final
24 order from the NBE. Nutter reported that all of the information in order was factual
25 and accurate. Nutter also reported that she felt that she had responded accurately to
26 all of the TSPC licensure application questions. Nutter reported that in regards to the
27 events that occurred while she was employed as a teacher in Nebraska, she now
28 realize that she had made several “new teacher mistakes” and has since learned that
29 “perception is reality” and that she should have practiced a more appropriate level of
30 communication with parents, administrators and students. Nutter concluded her
31 interview by reporting that she had no intention of returning to Oregon to teach.
32

1 **CONCLUSIONS OF LAW**

2 The conduct described above constitutes gross neglect of duty in violation of ORS
3 342.175(1)(b); OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-
4 0025(2)(e) (*Using district lawful and reasonable rules and regulations*) and OAR 584-
5 020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct*
6 *and conversations at all times*).

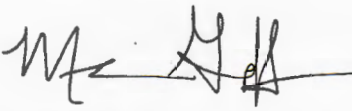
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8 The Commission’s authority to impose discipline in this matter is based
9 upon ORS 342.175.

10 **FINAL ORDER**

11 The Commission has opted to proceed with a Default Order of Denial of
12 Application and Revocation of Right to Apply.

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14 IT IS SO ORDERED THIS 9 day of February, 2024.

15
16 **TEACHER STANDARDS AND PRACTICES COMMISSION**

17
18 By: 
19 _____
20 Melissa Goff, Executive Director

21 **NOTICE OF APPEAL OR RIGHTS**

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23 **YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY**
24 **BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE**
25 **SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF**
26 **ORS 183.482 TO THE OREGON COURT OF APPEALS.**