

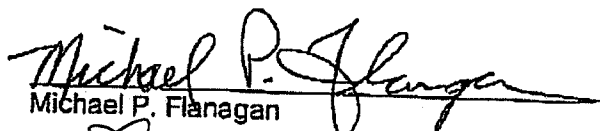


1 his rights thereto, or waives any and all rights to consult with an attorney prior to entering into  
2 this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

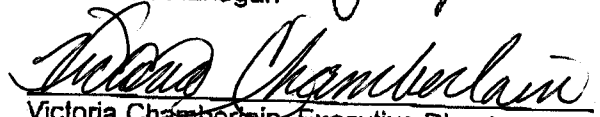
3 **STIPULATION OF FACTS**

- 4 1. The Commission has licensed Mr. Flanagan since October 31, 1984. Mr. Flanagan  
5 holds a Standard Teaching License with an endorsement in Social Studies valid until  
6 July 18, 2009 and he has submitted his application for renewal.
- 7 2. During the 2007-08 school year, Mr. Flanagan worked for the Redmond School District.  
8 Beginning around November, 2007, Mr. Flanagan sent approximately 24 text messages  
9 to student MH over the course of a two week period. Several of the text messages were  
10 sent after school hours between 8 p.m. and 10 p.m.
- 11 3. The text messages included commenting on various subjects, including asking whether  
12 MH was aware of an assignment being due; asking why the student was absent from  
13 class; asking MH how often she worked or what time she got off work; telling MH that  
14 she was young and beautiful; telling MH that her life could not be boring because she  
15 was young and beautiful; commenting that MH needed to be disciplined for missing  
16 class, and that she needed to be spanked or needed a spanking.
- 17 4. Thereafter, the student did not attend class for a few days and Mr. Flanagan  
18 approached MH and asked her what was going on. In doing so, Mr. Flanagan stood  
19 close to MH and placed his hand on her shoulder, causing MH to feel frightened and  
20 intimidated.

21  
22 IT IS SO STIPULATED:

23   
24 Michael P. Flanagan  
25

7-21-09  
Date

26   
27 Victoria Chamberlain, Executive Director  
28 Teacher Standards and Practices Commission  
29

8-10-09  
Date

1 **CONCLUSION OF LAW**

- 2 1. Mr. Flanagan's conduct described in paragraphs 2 and 3 constitutes gross neglect of  
3 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates  
4 OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in  
5 conduct and conversations at all times); and OAR 584-020-0040(4)(n) as it  
6 incorporates OAR 594-020-0010(5) (Use professional judgment).
- 7 2. Mr. Flanagan's conduct described in paragraph 4 constitutes gross neglect of duty in  
8 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR  
9 584-020-0030(2)(b)(skill in communicating with students); OAR 584-020-0010(1)  
10 (recognize worth and dignity of all persons and respect for each individual).

11  
12 **ORDER**

13 The Standard Teaching License of Michael P Flanagan is suspended from August 10,  
14 2009 through November 30, 2009.

15 Furthermore, the Commission imposes a four (4) year probation upon Flanagan to  
16 commence after reinstatement of his license and subject to the following terms and conditions of  
17 probation:

- 18 1. Mr. Flanagan shall report in writing within ten days to the Executive Director of the  
19 Commission any arrest or citation for any felony, misdemeanor, major traffic violation or criminal  
20 probation; and
- 21 2. Mr. Flanagan shall comply with the Standards for Competent and Ethical Performance  
22 of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

23 Violation of any term or condition of probation shall constitute an independent basis for  
24 the Commission to revoke Mr. Flanagan's teaching license or otherwise impose discipline, after  
25 first providing Mr. Flanagan with notice and opportunity for hearing.

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TEACHER STANDARDS AND PRACTICES COMMISSION

By: *Victoria Chamberlain*  
Victoria Chamberlain, Executive Director

APPROVED AS TO FORM

*Elizabeth McKanna*  
Elizabeth McKanna, OSB 893067  
Attorney for Michael P. Flanagan