1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 In the Matter of the STIPULATION OF FACTS Teaching License of FINAL ORDER OF 5 MICHAEL P. FLANAGAN SUSPENSION AND PROBATION 6 7 On or about January 15, 2008, the Teacher Standards and Practices Commission 8 (Commission) received a report from Vickie Fleming, Superintendent, Redmond School District, 9 indicating that Michael Flanagan may have engaged in gross neglect of duty by sending text 10 messages to a student... 11 After review of the matters alleged, Mr. Flanagan and the Commission agree that their 12 respective interests, together with the public interest, are best served by a stipulation to certain 13 facts and the imposition of a suspension and probation. 14 By signing below, Mr. Flanagan acknowledges, understands, stipulates, and agrees to 15 the following: (i) he has been fully advised of his rights to notice and a hearing to contest the 16 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all 17 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts, Order of 18 Suspension and Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a 19 public document and disclosed to the public upon request by the Commission; (iii) this 20 Stipulation and Final Order is contingent upon and subject to approval and adoption by the 21 Commission. If the Commission does not approve and adopt this Stipulation and Final Order, 22 then neither Mr. Flanagan nor the Commission are bound by the terms herein; (iv) he has fully 23 read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without 24 any force or duress, enters into this Stipulation and Final Order and consents to issuance and 25 entry of the Stipulated Final Order below; (vi) he states that no promises or representation has 26 been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with 27 an attorney regarding this Stipulation and Final Order and has been fully advised with regard to

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 7-21-09 Date 8-10-09 26 27

Victoria Chamberlain, Executive Director

Teacher Standards and Practices Commission

28

29

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. 26 ///

1	TEACHER STANDARDS AND PRACTICES COMMISSION
2	
3 4	By: MANA Manhalam Victoria Chamberlain, Executive Director
5 6	APPROVED AS TO FORM
7 8 9 0	Elizabeth McKanna, OSB 893067 Attorney for Michael P. Flanagan