



1 Commission are bound by these Stipulations and Mr. Schmeckpeper retains all rights to a  
2 hearing on the allegations.

3 **FINDINGS OF FACT**

4 1. On or about August 23, 2001, The Commission received a complete application for  
5 renewal of a Standard Teaching License from Gerald Schmeckpeper.

6 2. Mr. Schmeckpeper held an Oregon Teaching License from July 1, 1973 to September  
7 14, 1984, when his Standard Teaching License expired.

8 3. Mr. Schmeckpeper was employed as an industrial technology teacher by Scottsbluff  
9 Public Schools for 19 years. Mr. Schmeckpeper's employment with the district terminated on or  
10 about September 7, 2000.

11 4. A district owned computer with Internet access was present in  
12 Mr. Schmeckpeper's classroom for his use in connection with his assigned responsibilities.

13 5. During the 1999-2000 school year, Mr. Schmeckpeper used his classroom computer on  
14 multiple occasions during classroom time to access Ebay, and other commercial sites and to  
15 view and disseminate email containing sexually explicit material.

16 6. Mr. Schmeckpeper was licensed by the Department of Education for the State of  
17 Nebraska. On or about August 31, 2000, Mr. Schmeckpeper's Nebraska public school  
18 certification, endorsed in industrial technology expired. On or about September 6, 2000, the  
19 Nebraska Department of Education refused to renew his certification. On August 10, 2001,  
20 after hearing the matter, the Nebraska Department of Education, Professional Practices  
21 Commission, denied Mr. Schmeckpeper's application for renewal based upon a hearing officer's  
22 findings that, "The Petitioner's use of a school computer during classroom time, to view and  
23 disseminate email material over the Internet that he had received and which in turn depicts  
24 cartoons, jokes and photographs of a sexual nature, including pictures of nude women, women  
25 in sexually derogatory and offensive situations, and well as men and women engaged in sexual  
26 activities does not demonstrate good moral character."

1 7. Mr. Schmeckpeper admits that he should not have used school district computer  
2 equipment for viewing and forwarding email containing sexually explicit material and hereby  
3 expresses remorse for doing so.

4 8. Mr. Schmeckpeper's use of Scottbluff Public School computer equipment would  
5 constitute a violation of Standards for Competent and Ethical Performance of Oregon  
6 Educators.

7 IT IS SO STIPULATED:

8  
9 Gerald John Schmeckpeper

Oct. 3, 01  
Date

10  
11 David V. Myton, Executive Director

10/4/01  
Date

12  
13 **CONCLUSION OF LAW**

14 Mr. Schmeckpeper's behavior as set forth above may be used as evidence to establish  
15 his lack of fitness to serve as a teacher under ORS 342.143.

16 **ORDER**

17 The Oregon Teacher Standards and Practices Commission adopts the above Findings  
18 of Fact and places Mr. Schmeckpeper on probation with the Commission for two (2) years. The  
19 probation shall commence October 4, 2001.

20 The Commission authorizes issuance of renewal of a Standard Teaching License to  
21 Gerald John Schmeckpeper subject to all standard terms and conditions and subject to the  
22 following special terms of probation:

23 1. Within the first six months of this probation, on or before April 4, 2002,  
24 Mr. Schmeckpeper shall submit documentation that he has undergone an evaluation by a  
25 psychotherapist or medical professional acceptable to the Commission, and the evaluator  
26 submits a written report to the Commission attesting (a) Mr. Schmeckpeper is fit to work with  
27 children and teenagers, and (b) there is a high probability he will not use school district

1 equipment to receive or transmit sexually explicit materials or engage in similar inappropriate  
2 behavior. Any costs associated with the assessment or treatment will be the responsibility of  
3 Mr. Schmeckpeper.

4 2. Mr. Schmeckpeper shall not use school district computer equipment for personal  
5 purposes unrelated to school business.

6 3. Mr. Schmeckpeper shall comply with the Standards for Competent and Ethical  
7 Performance of Oregon Educators under OAR Chapter 584, Division 020.

8 Violation of any of the terms of probation shall constitute an independent basis for the  
9 Commission to revoke Mr. Schmeckpeper's teaching license or otherwise impose discipline,  
10 after first providing Mr. Schmeckpeper with notice and opportunity for hearing.

11 Dated this 16<sup>th</sup> day of November 2001.

12 TEACHER STANDARDS AND PRACTICES COMMISSION

13 By: David V. Myton  
14 David V. Myton, Executive Director  
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