1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 4 In the Matter of the DEFAULT ORDER OF 5 **Educator License of**) REVOCATION AND REVOCATION 6 NORMAN ERALD SCOTT) OF RIGHT TO APPLY 7 8 9 On December 22, 2017, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Norman Erald Scott (Scott) 10 in which the Commission charged him with Gross Neglect of Duty and Gross Unfitness. 11 The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7016 3010 12 13 0000 5718 9053 to the address on file with the Commission. The Notice designated the 14 Commission file as the record for purposes of proving a prima facie case. On March 20, 2018, the Commission issued Scott an Amended Notice of Opportunity for a Hearing 15 16 charging him with Gross Neglect of Duty and Gross Unfitness. The Amended Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7016 3010 0000 5718 9343 17 to the address on file with the Commission. The Certified Mail Return Receipt was not 18 returned to the Commission and the regular first class mail was not returned to the 19 20 Commission, and assumed delivered. The Notice of Opportunity of Hearing, dated December 22, 2017, and signed by Trent Danowski, Co-Interim Executive Director, 21 22 stated: 23 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY 24 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED 25 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR 26 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF 27 YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN 28 ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR 29 SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE." 30 31 On December 27, 2017, Scott requested a hearing. On April 19, 2018, a pre-hearing 32 conference was conducted and a hearing scheduled for August 22, 2018. On May 23, 2018, Scott withdrew his request for a hearing. The Commission, therefore, finds Scott 33 34 to be in default and enters the following findings of fact, conclusions of law, and final 35 order, based on the files and records of the Commission concerning this matter. 36 //// 37 ////

1 FINDINGS OF FACT 2 1. Norman Scott has been licensed by the Commission since December 13, 1973. 3 Scott's Standard Teaching License, with endorsements in Standard Health Education 4 (018) and Standard Physical Education (018), was valid from February 16, 2015, 5 through February 15, 2020. During all relevant times, Scott was employed by the 6 Oregon City School District. 7 8 2. On October 6, 2015, the Commission received a report from the Oregon City School 9 District indicating Scott was under investigation for possible misconduct described 10 as inappropriate behavior. Specifically, that Scott had inappropriately touched 11 multiple students while teaching warm up techniques. On October 27, 2015, the Commission learned that Scott was also under investigation by local law 12 13 enforcement for the same reported conduct. 14 15 Subsequent investigations by the school district, law enforcement, and the 16 Commission determined that on or about October 5, 2015, while instructing students 17 in physical education warm ups, Scott inappropriately touched female students on 18 the breast, thigh, back, hair, shoulders and buttocks area. Multiple students 19 complained of the touching and further advised that Scott generally made them feel 20 uncomfortable. Other students complained that during the class Scott required them 21 bend over, or perform other body positions, so Scott could look at their bodies. 22 23 3. On July 27, 2016, Scott was indicted in the Clackamas County Circuit Court with 24 multiple counts of Sexual Abuse in the Third Degree (ORS 163.415), for sexual 25 contact by touching an intimate part of a minor, a class A misdemeanor; multiple counts of Harassment (ORS 166.065), for offensive physical contact of an intimate

counts of Harassment (ORS 166.065), for offensive physical contact of an intimate part of the body, a class A misdemeanor; and multiple counts of Harassment (ORS 166.065), a class B misdemeanor, for offensive physical contact. On November 17, 2017, Scott was convicted of two counts of Sexual Abuse in the Third Degree ORS 163.415, and six counts of Harassment ORS 166.065(4). Scott was sentenced in part, to 6 months incarceration, 60 months of supervised probation, to register as a sex offender if required, and mandated to surrender his teaching license. On December

1	7, 2017, the Commission received a letter from Scott advising that he was
2	surrendering his teaching license in compliance with the court order.
3	
4	CONCLUSIONS OF LAW
5	Norman Scott's criminal convictions constitute gross neglect of duty in violation
6	of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
7	0010(5) (Use professional judgment); and OAR 584-020-0040(1) (The Commission
8	will deny, revoke or deny the right to apply for a license or charter school registration
9	to any applicant or educator who, has been convicted of any of the crimes listed in ORS
10	342.143, or the substantial equivalent of any of those crimes if convicted in another
11	jurisdiction), including ORS 163.415 – Sexual Abuse in the Third Degree. This conduct
12	also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-
13	0040(5)(c) (Conviction of violating any federal, state, or local law. A conviction
14	includes any final judgment of conviction by a court whether as the result of guilty
15	plea, no contest plea or any other means); OAR 584-020-0040(5)(d) (Commission of
16	an act listed in OAR 584-020-0040(1)); and OAR 584-020-0040(5)(e) (Admission of or
17	engaging in acts constituting criminal conduct, even in the absence of a conviction).
18	
19	Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards
20	and Practices Commission must revoke Scott's license and Scott's right to apply for a
21	license based on conviction of any of the crimes listed in ORS 342.143(3)(a), or the
22	substantial equivalent of any of those crimes.
23	
24	Furthermore, the conduct underlying Scott's convictions constitutes gross neglect
25	of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates
26	OAR 584-020-0010(5) (Use professional judgment); OAR 584-020-0040(4)(k)(
27	Violation of any rule or order of the Commission); OAR 584-020-0040(4)(f) (Any
28	sexual conduct with a student) as defined by OAR 584-020-0005(5); OAR 584-020-
29	0040(4)(0) as it incorporates OAR 584-020-0035(1)(c)(D) (Honoring appropriate
30	adult boundaries with students in conduct and conversations at all times); and OAR

584-020-0035(3)(a)(Maintain the dignity of the profession by respecting and obeying

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1	the law, exemplifying personal integrity and honesty). Additionally, Scott's criminal
2	convictions and conduct related to his convictions constitute "gross unfitness" in
3	violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(c) and (d) as defined by OAR
4	584-020-0040 (5) (Gross unfitness is any conduct which renders an educator
5	unqualified to perform his or her professional responsibilities).
6	
7	The Commission's authority to impose discipline in this matter is based upon
8	ORS 342.175.
9	
10	FINAL ORDER
11	The Commission hereby revokes Norman Erald Scott's Oregon educator license
12	and revokes Scott's right to apply for an Oregon educator license.
13	
14	IT IS SO ORDERED THIS day of June, 2018.
15	TEACHER STANDARDS AND PRACTICES COMMISSION
16	
	By: Anthony J. Rosiles
17	By: Dr. Anthony I. Bosilos, Everyting Director
18 19	Dr. Anthony J. Rosilez, Executive Director
20	
21 22	NOTICE OF APPEAL OR RIGHTS
23	NOTICE OF APPEAL OR RIGHTS
24	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
25	BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
26 27	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.
<i>41</i>	UND 10,3.402 TU THE UNEGUN COURT OF APPEALS.