

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
OF THE STATE OF OREGON

In the Matter of the Teaching License of )  
SCOTT NELSON ) STIPULATION AND ORDER OF  
) SUSPENSION  
)

On or about May 19, 2000, the Teacher Standards and Practices Commission (Commission) notified Scott Nelson that a report had been filed alleging that he misused his school computer to access sexually explicit material over the Internet. The complaint was filed by Jim Moskal, the Superintendent of the Jefferson School District.

Mr. Nelson fully cooperated with the Commission's investigation and did not contest the allegation. After review of the matters alleged, Mr. Nelson and the Commission have agreed that their respective interests, together with the public interest, are best served by a stipulation to certain facts, the imposition of a 90-day suspension, followed by a period of probation of two (2) years. This Order sets forth the facts upon which the parties have agreed and the sanctions to be imposed. In entering into this stipulation, Mr. Nelson waives his right to a hearing to contest the findings of fact, conclusions of law, and order set forth below.

**FINDINGS OF FACT**

1. Mr. Nelson holds an Oregon Teaching License. He was employed by the Jefferson School District as a teacher at Jefferson High School from approximately September 1998 until April 14, 2000, when he resigned from the District. This was Mr. Nelson's first teaching position after completing his teachers' education program and his second year in this District. He had an excellent record with the District. As a music teacher, he was responsible for leading several ensembles to award-winning status at various competitions. His school concert

performances received high praise from administrators, fellow staff, and parents. It was widely acknowledged that in his year-and-a half with the District, Mr. Nelson made significant strides in improving the quality of the instrumental program. He was an active and eager participant on the Site Council. He was recognized in performance evaluations for his dedication, enthusiasm, and commitment. He volunteered to assist the track and golf team coaches on his own time and served as the prom advisor on a voluntary basis.

2. During the 1999-2000 school year, a District-owned computer with Internet access was placed in Mr. Nelson's classroom for his use in connection with his assigned responsibilities.

3. Mr. Nelson used his classroom computer to access sexually explicit material through the Internet in violation of District policy regarding Internet use. No students were present at the times Mr. Nelson viewed these materials on the computer, nor was there any risk of students viewing the inappropriate material. He viewed the material only during non-student contact hours on his own time. He believed his actions were private, but realizes that he should not have used the computer for viewing sexually explicit materials and has expressed remorse for doing so.

4. Mr. Nelson has never denied his actions with the School District or TSPC, but has instead accepted responsibility and acknowledged his mistake. On his own initiative, immediately following his resignation, Mr. Nelson sought counseling.

#### **ULTIMATE FINDINGS OF FACT**

Scott Nelson used computer equipment owned by his employing school district and located on school premises to access sexually explicit materials. Although Mr. Nelson believed that his conduct was private, the materials were viewed on his own time, and no students were

present or put at risk of viewing the materials, he should have known that accessing such materials at the workplace with a District-owned computer was inappropriate. Mr. Nelson enters into this Stipulation of Facts with the knowledge that the Commission will suspend his Oregon Teaching License for 90 days commencing on July 1, 2000, and that following reinstatement of the license Mr. Nelson shall be placed on probation for a period of two years.

### CONCLUSION OF LAW

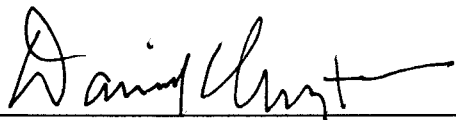
Scott Nelson's activities constituted gross neglect of duty in violation of OAR 584-020-0040(4)(a).

This stipulation is contingent upon approval and adoption of the Order by the Commission. If the Commission does not adopt this Order, neither Mr. Nelson nor the Commission are bound by these stipulations and Mr. Nelson retains all rights to a hearing on the allegations.

IT IS SO STIPULATED

  
\_\_\_\_\_  
Scott Nelson

6/24/00  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
David V. Myton, Executive Director  
Teacher Standards and Practices Commission

6/30/00  
\_\_\_\_\_  
Date

### ORDER

The Oregon Teaching License of Scott Nelson is suspended for a period of 90 days from July 1, 2000. At the end of this suspension period, Mr. Nelson's teaching license will be reinstated upon application and a showing by Mr. Nelson that he has undergone an evaluation at

his own expense by a psychotherapist or other medical or mental health professional acceptable to the Commission, and the evaluator submits a written statement to the Commission attesting (1) Mr. Nelson is fit to work with children and teenagers and (2) there is a high probability that he will not use School District equipment to access sexually explicit materials or engage in similar inappropriate behavior. The Commission agrees that Mr. Nelson's current counselor, David Bird, Ph.D., would be an acceptable professional for the purposes of this Order.

Following the reinstatement of his teaching license, Mr. Nelson shall be placed on probation by the Commission for a period of two years subject to the following conditions.

1. Mr. Nelson shall substantially comply with any treatment or counseling as recommended by the individual who completed the evaluation described above. Mr. Nelson shall authorize and sign a narrowly-tailored consent form as necessary for the treatment provider or counselor to furnish records to the Commission for the strict purpose of verifying the items required by this Order.

2. Mr. Nelson shall comply with all Standards for Competent and Ethical Performance under OAR 584, Division 020.

3. Mr. Nelson shall provide to the Commission such information as the Commission requests to verify that he has complied with the conditions of probation, including a statement from his employing district that he has complied with the Standards of Competent and Ethical Performance of Oregon Educators under OAR 584, Division 020.

Violation of the terms of this probation may constitute an independent basis for the Commission to impose discipline, up to and including revocation of Mr. Nelson's Teaching

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License and subject to Mr. Nelson's right to a hearing on the issue of whether he violated probation.

DATED this 17<sup>th</sup> day of July, 2000

TEACHER STANDARDS AND PRACTICES COMMISSION

By: David V. Myton

David V. Myton, Executive Director

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