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**Teacher Standards &
Practices Commission**

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

OF THE STATE OF OREGON

In the Matter of the)	STIPULATION OF FACTS AND
Educator License of)	FINAL ORDER OF
MELINDA C. STOUTE)	SURRENDER AND REVOCATION OF
)	RIGHT TO APPLY

On or about January 31, 2014, the Teacher Standards and Practices Commission (Commission) received a report from the Medford School District, indicating that licensed educator, Melinda C. Stoute (Stoute), had committed acts of unprofessional conduct.

After review of the matters alleged, Stoute and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, Stoute's surrender of her Oregon educator license and the consequent revocation of Stoute's licensure.

By signing below, Stoute acknowledges, understands, stipulates, and agrees to the following: (i) she has been fully advised of her rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Surrender and Revocation of License (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Stoute nor the Commission are bound by the terms herein; (iv) she has fully read this Stipulation and Final Order, and understands it completely; (v) she voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below; (vi) she states that no promises or representation has been made to induce her to sign this Stipulation and Final Order; and (vii) she has consulted with an attorney regarding this Stipulation and Final Order

1 and has been fully advised with regard to her rights thereto, or waives any and all rights to
2 consult with an attorney prior to entering into this Stipulation and Final Order and issuance and
3 entry of the Stipulated Final Order below.

4 This Order sets forth the facts upon which the parties have agreed and the sanction to be
5 imposed. Stoute stipulates that there are sufficient facts contained in the Commission's files and
6 records to support the findings of fact and conclusions of law set forth below. In entering into
7 this stipulation, Stoute waives the right to a hearing to contest the findings of fact, conclusions
8 of law and order set forth below.

9 **STIPULATION OF FACTS**

- 10 1. The Commission has licensed Stoute since August 10, 2001. Stoute held a Continuing
11 Teaching License, with an endorsement in Multiple Subjects Self-Contained (ECE, ELE),
12 that was valid May 18, 2010, through May 17, 2015. During all relevant times, Stoute was
13 employed by the Medford School District.
- 14 2. On January 31, 2014, the Commission received a report from the Medford School
15 District alleging Stoute had violated professional standards, specifically, teacher /
16 student boundaries. Subsequent district, law enforcement, and Commission
17 investigations determined the following:
 - 18 a. In April, 2012, Stoute was investigated by the school district regarding student /
19 teacher boundaries. The allegations included that Stoute employed favoritism,
20 and inappropriate physical contact (hugs, hand holding and forehead kisses) to
21 certain male students, most often involving student (CM).
 - 22 b. On November 5, 2013, CM's mother reported to the school principal that she had
23 discovered inappropriate text messages on her son's cell phone from Stoute. CM
24 was an eighth grade male student who had been Stoute's student while in the
25 sixth grade. While CM was Stoute's student, Stoute shared her personal cell
26 phone number with CM. Stoute began sending CM text messages while he was a

1 still a student in Stoute's sixth grade classroom. At some point during the spring
2 of 2013, Stoute began regularly sending text messages to CM.

3 c. Stoute would text CM about his baseball schedule, wish him "Good luck" and
4 sometimes attended CM's baseball games.

5 d. Stoute sent CM multiple inappropriate text messages, these included innuendos,
6 flirting, and boundaries issues.

7 e. When questioned, Stoute stated that she was attracted to CM "but not like that".
8 Stoute explained that she didn't know why she had been texting CM, but Stoute
9 enjoyed the attention she received from CM. Stoute told law enforcement that she
10 realized her text messages to CM were inappropriate.

11 IT IS SO STIPULATED:

12 Melinda C. Stoute
13 Melinda C. Stoute

1-8-16
Date

14 Victoria Chamberlain
15 Victoria Chamberlain, Executive Director
16 Teacher Standards and Practices Commission

1-5-16
Date

17 **CONCLUSION OF LAW**

18 Melinda C. Stoute engaged in unprofessional conduct as described in section two (2)
19 above. This conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR
20 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*),
21 OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*); OAR
22 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(b) (*Refrain from exploiting*
23 *relationships with any student for personal gain, or in support of persons or issues*), OAR 584-
24 020-0035(1)(c)(A) (*Not demonstrating or expressing professionally inappropriate interest in a*
25 *student's personal life*), OAR 584-020-0035(1)(c)(B) (*Not accepting or giving or exchanging*
26 *romantic or overly personal gifts or notes with a student*); and OAR 584-020-0035(1)(c)(D)

1 (Honoring appropriate adult boundaries with students in conduct and conversations at all
2 times).

3 The Commission's authority to impose discipline in this matter is based upon ORS
4 342.175.

5 **ORDER**

6 The Commission adopts the above Stipulation of Facts and Final Order and accepts
7 Melinda C. Stoute's surrender of her Oregon educator license and subsequently revokes Stoute's
8 right to apply for licensure based upon the conduct described above.

9
10 IT IS SO ORDERED this 26th day of January, 2016.

11 TEACHER STANDARDS AND PRACTICES COMMISSION

12
13 By: Victoria Chamberlain
14 Victoria Chamberlain, Executive Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Surrender and Revocation of Right to Apply, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail — Return Receipt Requested, addressed to:

Melinda C. Stoute
115 Ponderosa Way
Eagle Point, OR 97524-9606

DATED this 18th day of February, 2016.

By:

Patty Sheldon

Patty Sheldon
Investigative Assistant

Certificate of Mailing – Melinda C. Stoute

Data Classification Level: 1 – Published
DO: Sheldon