

BEFORE THE
TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON

In the Matter of the Teaching License of

PEGGY FREED-ELEFANT

STIPULATION AND ORDER OF SUSPENSION

The Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing on July 18, 2001 to Peggy Freed-Elefant, proposing to impose discipline under ORS 342.177. Ms. Freed-Elefant requested a hearing to contest the allegations in the notice. After review of the matters alleged, the parties have agreed that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the suspension of Ms. Freed-Elefant's license, followed by a period of probation.

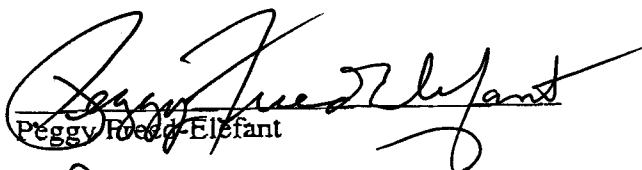
In entering into this stipulation, Ms. Freed-Elefant waives her right to a hearing and understands that the Commission will suspend her teaching license for a period of six months. This stipulation and order are contingent on approval by the full Commission. If the Commission does not approve this stipulation and proposed order, it is understood that any waiver of rights by Ms. Freed-Elefant is therefore revoked. It is further understood that the statements contained in this stipulation may not be used by either the Commission or Ms. Freed-Elefant for any reason if the Commission fails to approve the stipulation and proposed order.

STIPULATED FACTS

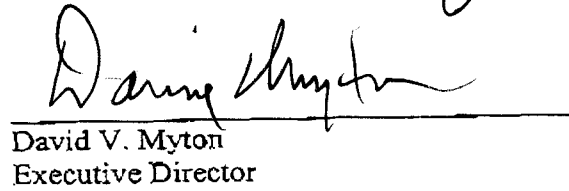
Ms. Freed-Elefant and the Commission stipulate as follows:

- 1. Ms. Freed-Elefant holds a Standard Teaching License and has been licensed in Oregon since 1977.

- 1 2. In 1998, Ms. Freed-Elefant was employed as a high school teacher at the Crescent
- 2 Valley High School in the Corvallis School District.
- 3 3. In June 1998, Ms. Freed-Elefant acted as chaperone to a group of high school
- 4 students on a district-sanctioned trip to Japan.
- 5 4. During the trip, Ms. Freed-Elefant gave inappropriate and sexually suggestive
- 6 gifts to RH, a male high school student. The gifts were a set of "dirty dice" and a
- 7 Harley-Davidson calendar that featured scantily-clad women. Ms. Freed-Elefant
- 8 contends that she had parental permission to provide the calendar.
- 9 5. During the trip, Ms. Freed-Elefant contacted RH by telephone on the evening of
- 10 June 23, 1998. At that time, Ms. Freed-Elefant made comments that were
- 11 inappropriate and reasonably perceived by RH as sexually suggestive and overly
- 12 personal. Ms. Freed-Elefant denies that she intended these comments as sexually
- 13 suggestive.
- 14 6. On June 24, 1998, Ms. Freed-Elefant wrote and delivered a poem to RH. The
- 15 poem was inappropriate and reasonably perceived by RH to be a sexual advance.
- 16 Ms. Freed-Elefant denies that she intended that poem as a sexual advance.

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18 
19 Peggy Freed-Elefant

11-15-01
Date

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21 David V. Myton
22 Executive Director

11/16/01
Date

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CONCLUSIONS OF LAW

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Each of the acts described in Findings of Fact 4, 5 and 6, constitutes gross neglect of duty in violation of OAR 584-020-0040(4)(f).

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DISCUSSION

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As a part of the negotiated settlement of this case, the Commission acknowledges Ms. Freed-Elephant's contentions that she did not intend her actions and statements to be sexual in nature. While acknowledging Ms. Freed-Elephant's contentions, the objective evidence establishes that Ms. Freed-Elephant's behavior was inappropriate, sexually suggestive and reasonably perceived as such by the male high school student.

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ORDER

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The Oregon Teaching License of Peggy Freed-Elephant is suspended for a period of six months. Upon expiration of the period of suspension, Ms. Freed-Elephant's teaching license shall be reinstated upon the following conditions:

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1. Ms. Freed-Elephant shall submit an application for reinstatement as provided under OAR 584-050-0015.

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2. Ms. Freed-Elephant shall, at her own expense, obtain an evaluation by an evaluator who is acceptable to the Commission. The evaluator shall provide a written report to the Commission. The report shall contain only the following:

- (a) a statement that, in the professional opinion of the evaluator, Ms. Freed-Elephant is fit to work with children and high school students, and there is a high probability that Ms. Freed-Elephant will not in the future make sexually suggestive comments to students or engage in other inappropriate behavior with students;
- (b) a list of the processes and techniques used in the evaluation, e.g. testing, interviews, etc. and a list of the materials used in the evaluation;
- (c) an explanation of the basis for the evaluator's findings, which need not include a discussion or identification of medical diagnosis;

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(d) the evaluator's recommendation as to whether Ms. Freed-Elefant should participate in continuing treatment.

3. Ms. Freed-Elefant shall provide a copy of this Order and a copy of the Commission's investigation report to the evaluator and shall cooperate in the evaluation which may include testing, interviews and any other activities the evaluator may consider necessary to complete the evaluation.

4. The Commission considers the evaluator's report to be a medical record containing personal information the disclosure of which would constitute an unreasonable invasion of privacy. The Commission shall not disclose the report unless ordered to do so under Oregon law.

Upon reinstatement of her teaching license, Ms. Freed-Elefant shall be placed on probation for a period of three years, subject to the following conditions:

- 1. Ms. Freed-Elefant shall comply with all Standards for Competent and Ethical Performance under OAR 584 Division 020.
- 2. Ms. Freed-Elefant shall participate in treatment as recommended by the evaluator in paragraph 2 above.
- 3. Ms. Freed-Elefant shall provide consent for her treatment provider, referred to above, to contact the Commission or to respond to Commission inquiries in order to verify Ms. Freed-Elefant's participation and cooperation with the evaluator's recommendations.

Violation of any conditions of probation may constitute an independent basis for the Commission to impose discipline, up to and including revocation of Ms. Freed-

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Elefant's Oregon Teaching License, subject to her right to a hearing on the issue of whether she violated probation.

IT IS SO ORDERED the 16th day of November, 2001.

TEACHER STANDARDS AND PRACTICES COMMISSION

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