

1 attorney regarding this Stipulation and Final Order and has been fully advised with regard to his
2 rights thereto, or waives any and all rights to consult with an attorney prior to entering into this
3 Stipulation and Final Order and issuance and entry of the Stipulated Final Order below. This
4 Order sets forth the facts upon which the parties have agreed and the sanction to be imposed.
5 McLain stipulates that there are sufficient facts contained in the Commission's files and records
6 to support the findings of fact and conclusions of law set forth below. In entering into this
7 stipulation, McLain waives the right to a hearing to contest the findings of fact, conclusions of
8 law and order set forth below.

9 **STIPULATION OF FACTS**

- 10 1. The Commission has licensed Kelly McLain since December 23, 1998. McLain currently
11 holds a Standard Teaching License issued May 2, 2006, with a Standard Advanced
12 Mathematics endorsement, which expired on May 1, 2011. McLain made timely
13 application for renewal and his expiration date was extended. During all relevant times,
14 McLain was employed by the Hillsboro School District.
- 15 2. During the 2009-2010 school year McLain suggested to a female student that she
16 reminded him of his wife. The student interpreted McLain's actions as an inappropriate
17 expression of romantic feelings toward her. Sometime later, McLain sent various text
18 messages to the female student's phone regarding the initial verbal conversation, which
19 made the student more uncomfortable. On at least one occasion, McLain commented
20 about this student's cleavage while in the classroom, which was witnessed by other
21 students.
- 22 3. Students reported that McLain would sometimes inquire about their personal lives
23 during class. McLain would ask students about such things as, out of school parties, the
24 student's dating/sex lives, sexual behavior, and sexual gossip. This behavior was largely
25 limited to female students in McLain's classes.

1 4. School District Officials recommended McLain for dismissal for boundary issues and
2 related policy violations. McLain resigned employment prior to completion of the
3 dismissal process.

4 / / /

5 IT IS SO STIPULATED:

6 <u><i>Kelly Ryan McLain</i></u>	<u>10-30-12</u>
7 Kelly Ryan McLain	Date
8 <u><i>Victoria Chamberlain</i></u>	<u>11-5-12</u>
9 Victoria Chamberlain, Executive Director	Date
10 Teacher Standards and Practices Commission	

11 **CONCLUSION OF LAW**

12 Kelly Ryan McLain expressed what were interpreted as romantic feelings to a female
13 student, reinforced these conversations with inappropriate text messages and follow up
14 conversations. McLain made inappropriate comments in the classroom related to the same
15 student's cleavage. McLain's conduct was witnessed by other students. McLain became overly
16 involved in student's personal lives, asking questions involving sexual activities, gossip, rumors
17 and student's private dating and relationship issues. McLain's behavior created an
18 uncomfortable educational environment that intimidated students and made students feel
19 embarrassed. This conduct constitutes gross neglect of duty in violation of ORS 342.175(1)(b);
20 OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional*
21 *judgment*), OAR 584-020-0025(2)(a) (*Establishing and maintaining classroom management*
22 *that is conducive to learning*), OAR 584-020-0030(2)(b) (*Skill in communicating with*
23 *administrators, students, staff, parents, and other patrons*); and OAR ~~584-020-0040(4)(o)~~ as
24 is incorporates OAR 584-020-0035(1)(b) (*Refrain from exploiting professional relationships*
25 *with any student for personal gain, or in support of persons or issues*), OAR 584-020-
26 0035(1)(c)(A) (*Not demonstrating or expressing professionally inappropriate interest in a*
27 *student's personal life*), OAR 584-020-0035(1)(c)(B) (*Not accepting or giving or exchanging*
28 *romantic or overly personal gifts or notes with a student*), OAR 584-020-0035(1)(c)(D)
29 (*Honoring appropriate adult boundaries with students in conduct and conversation at all*
30 *times*).

1 The Commission's authority to impose discipline in this matter is based upon ORS
2 342.175.

3 **ORDER**

4 The Commission hereby adopts and incorporates herein the above stipulation of facts,
5 conclusions of law, and based thereon hereby imposes a six (6) month suspension upon
6 McLain's Initial I Teaching License as follows:

7 Kelly Ryan McLain's Standard Teaching License is hereby suspended for six (6) months
8 following the adoption of this order. Prior to reinstatement, McLain must submit to a psycho-
9 sexual evaluation by a Commission approved evaluator. Results of such an evaluation will be
10 reviewed prior to any reinstatement decision.


11 Furthermore, the Commission imposes a four (4) year probation period upon McLain to
12 commence upon reinstatement of his license and subject to the following terms and conditions
13 of probation:

- 14 1. McLain shall comply with the Standards for Competent and Ethical Performance of
15 Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.
16 2. McLain will comply with any treatment recommendations resulting from required
17 evaluation(s).

18 / / /

19 Violation of any term or condition of probation shall constitute an independent basis for the
20 Commission to revoke McLain's teaching license or otherwise impose discipline, after first
21 providing McLain with notice and opportunity for hearing.

22 / / /

23 IT IS SO ORDERED this 5th day of November, 2012 
~~February, 2013~~

24 TEACHER STANDARDS AND PRACTICES COMMISSION

25
26 By: 
27 Victoria Chamberlain, Executive Director