1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 In the Matter of the STIPULATION OF FACTS AND 4) **Educator License of** FINAL ORDER OF REPRIMAND 5 6 **BRIAN KELLY FREID** 7 On November 29, 2016, the Teacher Standards and Practices Commission 8 (Commission) received a report from the Cresswell School District alleging professional 9 misconduct on the part of licensed educator, Brian Kelly Freid (Freid). 10 After review of the matters alleged, Freid and the Commission agree that their 11 respective interests, together with the public interest, are best served by a stipulation to 12 certain facts and the imposition of a public reprimand. 13 By signing below, Freid acknowledges, understands, stipulates, and agrees to the 14 following: (i) he has been fully advised of his rights to notice and a hearing to contest the 15 findings of fact, conclusions of law, and order set forth below, and fully and finally 16 waives all such rights and any rights to appeal or otherwise challenge this Stipulation of 17 Facts and Final Order of Reprimand (Stipulation and Final Order); (ii) this Stipulation 18 and Final Order is a public document and disclosed to the public upon request by the 19 Commission; (iii) this Stipulation and Final Order is contingent upon and subject to 20 approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Freid nor the Commission are 21 22 bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and 23 understands it completely; (v) he voluntarily, without any force or duress, enters into 24 this Stipulation and Final Order and consents to issuance and entry of the Stipulated 25 Final Order below; (vi) he states that no promise or representation has been made to 26induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an 27 attorney regarding this Stipulation and Final Order and has been fully advised with 28 regard to his rights thereto, or waives any and all rights to consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated 29 30 Final Order below. 31 STIPULATION OF FACTS 32 1. Brian Kelly Freid has been licensed by the Commission since September 16, 2002. Freid's Initial II Teaching License, with an endorsement in Multiple Subjects Self-33 34 Contained (ECE, ELE), is valid December 25, 2014, through December 24, 2017. 35 During all relevant times, Freid was employed by the Creswell School District.

- 2. On November 29, 2016, the Commission received a report from the Creswell School District alleging that Freid had committed an act of gross neglect of duty and/or gross unfitness under the Oregon Administrative Rules; specifically that you had misused school district computer equipment to store and view inappropriate materials. Subsequent investigation determined the following:
 - a. On October 26, 2016, Freid submitted his district issued laptop computer to the District's Technology Department for repairs. On November 2, 2016, the IT department reported to the administration that they had located inappropriate files on Freid's computer. At a meeting about the district's investigation, Freid admitted to transferring the files to the laptop on September 2, 2016. At another meeting of Freid's request, Freid added that he had also used another district computer CPU and a district video camera to view and store similar inappropriate materials. Freid had deleted the files, and while the files were no longer easily accessible, they unknowingly still remained on the hard drive.
 - b. Examination of the images determined the material was not criminal or of a deviant nature. Freid used the district's equipment at home, with his own internet access. None of the materials were viewed at school; therefore, students were not exposed to inappropriate material. On November 8, 2016, the district issued Freid a letter of reprimand and four days unpaid leave.

23 IT IS SO STIPULATED:

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24 25	Mik Fred	8-1-17
26	Brian Kelly Freid	Date
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29	Dr. Monica Beane, Executive Director	Date
30	Teacher Standards and Practices Commission	
31	Trent J Dunowski, Co-Interim Director	
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1	CONCLUSION OF LAW	
2	Brian Kelly Freid's conduct as described above, violates professional standards.	
3	Freid's conduct constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR	
4	584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional	
5	judgment), OAR 584-020-0025(2)(b) (Using and maintaining district property,	
6	equipment, and materials appropriately), OAR 584-020-0025(2)(e) (Using district	
7	lawful and reasonable rules and regulations); and OAR 584-020-0040(4)(q)	
8	(Unauthorized use of school electronic equipment to receive, store, produce or send	
9	sexually explicit materials).	
10	The Commission's authority to impose discipline in this matter is based upon	
11	ORS 342.175.	
12	ORDER	
13	Based on the foregoing, the Commission hereby orders as follows:	
14	1. The Commission adopts and incorporates herein the above findings of fact and	
15	conclusions of law, and based thereon, imposes a Public Reprimand on Brian	
16	Kelly Freid's Oregon educator license(s).	
17		
18	Issued and dated this 9th day of November, 2017.	
19 20	TEACHER STANDARDS AND PRACTICES COMMISSION STATE OF OREGON	
21 22 23	By TT J Danoun Director Director	
	Trent J. DaneWSWI. Co- DIRECTOR	