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

In the Matter of the) STIPULATION OF FACTS AND
Educator License of) FINAL ORDER OF REPRIMAND
ANDY BYRON BRACCO) AND PROBATION

On or about January 25, 2017, the Teacher Standards and Practices Commission (Commission) opened an investigation after receiving information indicating possible professional misconduct on the part of licensed educator, Andy Byron Bracco (Bracco).

After review of the matters alleged, Bracco and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, the imposition of a Public Reprimand, and a period of probation.

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

By signing below, Bracco acknowledges, understands, stipulates, and agrees to the following: (i) he has been fully advised of his 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 Reprimand and Probation (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 Bracco nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) he 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) he states that no promise or representation has been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with 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 Final Order below.


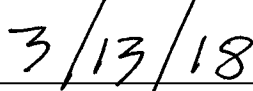
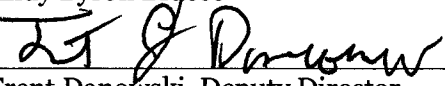
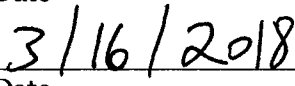
1 **STIPULATION OF FACTS**

- 2 1. The Commission has licensed Bracco since November 15, 1999. Bracco’s
3 Professional Teaching License, with an endorsement in Special Education:
4 Generalist (PK-12), is valid October 15, 2016 through October 14, 2021. Bracco
5 also holds a Continuing Administrator License, with an endorsement in
6 Administrator (ALL LVL), which is valid February 27, 2013, through October 14,
7 2018. During all relevant times, Bracco was employed by the Creswell School
8 District (CSD).
- 9 2. On January 25, 2017, the Commission opened an investigation after receiving
10 information alleging Bracco had participated in the exchange of inappropriate
11 text messages with another school administrator that may have constituted a
12 violation of professional standards and local policy violations. On January 26,
13 2017, the Commission received a patron complaint regarding the same
14 allegations. On January 29, 2017, the Commission received a district report from
15 CSD alleging Bracco may have violated professional standards related to the same
16 conduct. Subsequent investigation determined the following:
- 17
- 18 a. On January 13, 2017, at approximately 8:00 p.m., the school athletic
19 director (AD) was present and supervising a school sporting event at a
20 nearby high school as part of an agreed upon practice of having one
21 school administrator present at such events as required by the OSSA
22 (Oregon School Activities Association). Bracco was not in attendance and
23 was reportedly off duty at his residence. Both Bracco and the AD regularly
24 used their personal cell phones to conduct school business.
- 25 b. The AD began texting Bracco updates and information from the event.
26 Some of the text exchanges between Bracco and the AD were about
27 students or former students. A few of the text exchanges were insensitive,
28 inappropriate, and unprofessional in nature. Unknown to Bracco or the
29 AD, someone was intercepting their text conversations by photographing
30 the screen of the AD’s cell phone with a telephoto lens. These photographs
31 were later shared to the public on social media platforms. This exposure
32 included reporting by the news media and caused many members of the
33 community and school district patrons to become very upset.
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- 3. In the course of the school district’s investigation, Bracco met with some of the parents of the involved students and apologized for his conduct. The district alleged Bracco’s conduct was unprofessional and violated professional standards and local policies. Due to the nature and exposure of the event, Bracco determined that he could no longer be effective in his role at the school and later resigned his employment with the district. The district placed Bracco on administrative leave while the details of the resignation could be negotiated and documented.
- 4. Except for this incident, Bracco has been viewed by many as a highly regarded administrator.

IT IS SO STIPULATED:

| | |
|---|---|
|  |  |
| Andy Byron Bracco | Date |
|  |  |
| Trent Danowski, Deputy Director Teacher Standards and Practices Commission | Date |

CONCLUSION OF LAW

The conduct described above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*), OAR 584-020-0025(3)(a) (*The competent administrator demonstrates leadership skills in managing the school, its students, staff, and programs as required by lawful and reasonable district policies, rules, and regulations, state and federal laws and regulations, and other programs as assigned, and assures that staff is informed of these requirements*).

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

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ORDER

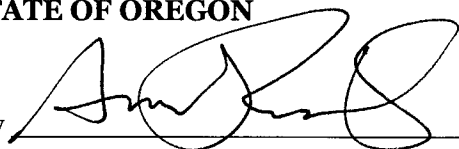
The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a Public Reprimand on Andy Byron Bracco’s Oregon educator licenses.

Furthermore, the Commission imposes a period of one (1) year of probation upon Bracco’s licensure to commence from the date this order is signed by the Commission and subject to the following conditions:

1. Bracco shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.
2. The Commission required Bracco complete approved training or counseling related to his conduct as described in section two (2) above and submit proof of same prior to the completion of his probation period. On April 28, 2017, Bracco provided the Commission proof of counseling, and continued counseling that satisfies this requirement.

Issued and dated this 6 day of April, 2018.

**TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON**

By  _____

Dr. Anthony Rosilez, Executive Director