

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

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In the Matter of the)
Teaching License of) STIPULATION AND SUSPENDED
BRENT ARTHUR MC CLAIN) ORDER OF REVOCATION
)

On June 18, 1997, the Teacher Standards and Practices Commission received an application for renewal of a Standard Teaching License endorsed for Advanced Mathematics from Brent Arthur McClain. Mr. McClain answered "yes" to the character question regarding entering a plea of "no contest." McClain submitted an explanation with his application. However, based upon police reports obtained by TSPC, the Executive Secretary concluded that there was sufficient evidence to deny licensure and notified Mr. McClain by letter, dated August 4, 1997, and informed him of his opportunity for hearing. Mr. McClain requested a hearing. After a 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, an Order of Revocation that will not be imposed if Mr. McClain meets certain conditions, and an Order of Probation. This agreement sets forth the facts upon which the parties have agreed, the sanction to be imposed and the Commission's Order.

STIPULATED FACTS

The Commission and Brent Arthur McClain stipulate to the following facts, and the Commission makes the following findings of fact:

1. Mr. McClain holds a Standard Teaching License endorsed in advanced mathematics. He has held an Oregon Teaching License since June 1988.
2. Mr. McClain was employed by Beaverton School District in July 1996 when he was convicted in Michigan's 58th Judicial District for Disorderly Person--Window Peeper, a misdemeanor.
3. Mr. McClain is nationally recognized as an outstanding mathematics teacher and teacher educator and has an outstanding record as an educator in the Beaverton School District and the State.
4. Mr. McClain acknowledges that by entering this stipulation the Commission will adopt a suspended order of revocation and probation as set forth below.

This Stipulation is contingent upon approval and adoption of the Order by the Commission. If the Commission does not adopt this Order, neither Mr. McClain nor the Commission are bound by these stipulations and Mr. McClain retains all rights to a hearing on the allegations.

1 IT IS SO STIPULATED:

2 Brent Arthur McClain Date 9/18/97
 3 Brent Arthur McClain

4 David V. Myton (as) Date 10/3/97
 5 David V. Myton, Executive Secretary
 6 Teacher Standards and Practices Commission

7 CONCLUSIONS OF LAW

8 Although Mr. McClain disputes that his behavior on July 9, 1996 in Ottawa County, Michigan,
 9 constitutes gross unfitness to be a teacher in Oregon, the Commission finds that conviction for
 10 disorderly person--window peeper, a misdemeanor, is evidence of gross unfitness in violation of OAR
 11 584-20-040(5).

12 OPINION

13 Although Mr. McClain's actions occurred outside of school hours and off school premises, the
 14 Commission believes the nature of his offense, as stipulated above, is relevant to fitness to serve as a
 15 teacher. Mr. McClain's outstanding teaching record and his potential future contributions to the
 16 profession are taken into account in adopting this order with suspended revocation of his license. This
 17 order will provide an opportunity for Mr. McClain to seek treatment for his sexual disorder and to
 18 document his fitness as a teacher during a period of probation.

19 ORDER

20 Based on the above findings and conclusions, the Commission orders that the teaching license
 21 of Brent Arthur McClain be revoked and that such revocation shall become effective on June 30,
 22 1998. However, the Order of Revocation shall not take effect if Mr. McClain meets the following
 23 conditions:

- 24 1) McClain shall obtain a psychological evaluation at his own expense. The evaluation shall
 25 specify the treatment recommended for any sexual disorder(s) identified by the evaluation. If the
 26 Executive Secretary disagrees with the evaluation, TSPC may require a second evaluation by a
 27 psychologist of the Executive Secretary's choice and at McClain's expense.

1 2) Mr. McClain shall successfully complete a treatment program as recommended by the
2 psychologist who completes the evaluation. The treatment provider shall be selected by Mr. McClain
3 after receiving prior approval by the Executive Secretary.

4 3) The treatment provider shall submit written evidence to the Executive Secretary on or
5 before April 1, 1998, stating that Mr. McClain has undergone and successfully completed treatment or
6 is currently engaged in and is committed to a program of treatment, for a sexual disorder(s) and in the
7 professional opinion of the treatment provider, there is a high probability that Mr. McClain will not
8 engage in the future in sexually inappropriate or sexually illegal acts, including acts of voyeurism.

9 4) Mr. McClain shall give consent to the treatment provider to report orally and in writing on
10 his treatment to the Executive Secretary and shall consent that the Executive Secretary may speak with
11 the treatment provider concerning Mr. McClain's compliance and progress in the treatment program.

12 If Mr. McClain meets the above requirements, the Commission shall withdraw the Order of
13 Revocation and allow Mr. McClain's teaching license to remain in effect, subject to a period of
14 probation of three years beginning June 30, 1998. The probation shall be subject to the conditions
15 that Mr. McClain shall comply with any directives or recommendations of this treatment provider, that
16 he shall not engage in any illegal conduct, and that he shall comply with all Standards for Competent
17 and Ethical Performance of Oregon Educators under OAR 584, Division 20.

18 Violation of any terms of McClain's probation shall constitute a basis for the Commission to
19 charge McClain with further violation of the Standards for Competent and Ethical Performance of
20 Oregon Educators, after first providing McClain notice of opportunity for hearing on the issue of
21 whether he violated his probation.

22 Dated this 31st day of October, 1997.

23 TEACHER STANDARDS AND PRACTICES COMMISSION

24 By: David V. Myton
25 David V. Myton, Executive Secretary

26 APPROVED AS TO FORM:

27 Sean A. Lyell 9/18/97
28 Sean A. Lyell
29 Attorney for Brent Arthur McClain

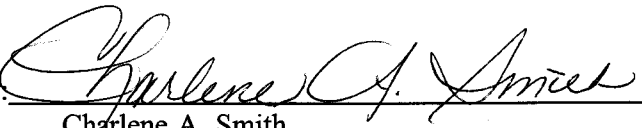
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CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me as such by U.S. Certified Mail with Return Receipt Requested to attorney for Brent Arthur McClain:

SEAN LYELL
BENNETT, HARTMAN, REYNOLDS & WISER
851 SW 6TH SUITE 1600
PORTLAND OR 97204-1376

Dated this 3rd day of October, 1997.

By: 
Charlene A. Smith
Secretary to the Commission