

1 made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an
2 attorney regarding this Stipulation and Final Order and has been fully advised with regard to his
3 rights thereto, or waives any and all rights to consult with an attorney prior to entering into this
4 Stipulation and Final Order and issuance and entry of the Stipulated Final Order below. This
5 stipulation is contingent upon approval and adoption of the Order by the Commission. If the
6 Commission does not adopt this Order, neither Mr. Lally nor the Commission are bound by
7 these Stipulations and Mr. Lally retains all rights to a hearing on the allegations.

8 STIPULATION OF FACTS

- 9 1. The Commission has licensed Mr. Lally since June 14, 1996. Mr. Lally currently holds a
10 Basic Teaching License authorized to teach Basic Advanced Mathematics and Basic
11 Physical Education, issued February 2, 2009 and valid through February 1, 2012.
- 12 2. On or about April 16, 2007, Lally was teaching a middle school math class. A male
13 student on an Individualized Education Plan (IEP), with the eligibility of "emotionally
14 disturbed" was disrupting the class. The IEP requires that teachers refrain from using
15 corporal punishment, any action that might result in injury to a child and maintain
16 emotional control and not act in anger. When asked to leave, the student did not follow
17 verbal instructions. Mr. Lally forcefully escorted the student out of his classroom by his
18 upper arm. Once outside of the classroom Mr. Lally grabbed the student by both arms
19 and pinned him against the wall. Witnesses to this event described Mr. Lally as being
20 out of control, angry, and described the student as calmer than Mr. Lally during this time.
21 Mr. Lally's actions left marks on the student's arms that were visible as much as two
22 hours later.
- 23 3. Mr. Lally received a one day suspension from Sherwood School District for this incident.

24 IT IS SO STIPULATED AND AGREED TO:

25 
26 Shawn Cameron Lally

8/24-10
Date

27 
28 Victoria Chamberlain, Executive Director
29 Teacher Standards and Practices Commission

8-17-10
Date

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CONCLUSION OF LAW

Shawn Cameron Lally's physical interaction of removing a student from is classroom, whose IEP suggested avoiding such direction confrontation with the student, constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(d) (*Unreasonable physical force against students, fellow employees, or visitors to the school, except as permitted under ORS 339.250*), and OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*). The Commission has the authority to impose discipline in this matter under ORS 342.120 through 342.430 and OAR Chapter 584.

FINAL ORDER

The Commission adopts and incorporates herein the above findings of fact and conclusion of law, based thereon, hereby imposes a Public Reprimand on the Basic Teaching license of Shawn Cameron Lally. In addition the Commission imposes a one year probation upon Mr. Lally subject to the following conditions:

- 1. Mr. Lally shall obtain anger management counseling and begin such treatment within the first six months of his probation. Mr. Lally shall authorize and sign any consent forms as necessary for the treatment provider or counselor to furnish records to or discuss Mr. Lally's treatment with the Commission.
- 2. Mr. Lally shall comply with all Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules, Chapter 584, Division 020.
- 3. Mr. Lally shall provide information as requested by the Commission to verify that he has complied with the conditions of probation, including a statement from a future employing district that he has complied with the Standards for Competent and Ethical Performance of Oregon Educators.

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1 Violation of the terms of this probation may constitute an independent basis for the
2 Commission to impose discipline, up to and including revocation of Mr. Lally's teaching license
3 subject to Mr. Lally's right to a hearing on the issue of whether he violated probation.

4 Issued and dated this 5th day of November, 2010.

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

7
8 By 
9 Victoria Chamberlain, Executive Director