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

In the Matter of the)	STIPULATION OF FACTS,
Teaching License of)	AND FINAL ORDER OF
BRIAN LEE SAY)	SUSPENSION

On or about January 18, 2008, the Teacher Standards and Practices Commission (Commission) received a report for the Interim Superintendent of the Umatilla School District, Heidi Sipe, informing the Commission that former Superintendent Brian Lee Say may not have reported a teacher for an incident of unreasonable physical force against a student.

After review of the matters alleged, Say and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the imposition of a one year suspension of licensure. It is understood and agreed that this stipulation fully and finally resolves any and all matters now known to the Commission regarding Say's failure to report educators' alleged misconduct, which occurred or of which he became aware of while Say was Superintendent of Umatilla School District, that it might regard as the basis for discipline against Say.

This document sets forth the facts upon which the parties have agreed and the stipulated sanction to be imposed. Say stipulates that there is sufficient evidence in the Commission's files and records to support the findings of fact, conclusions of law, and order set forth below.

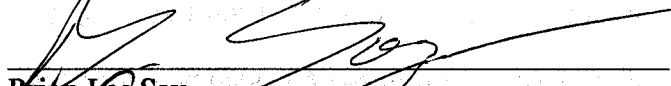
By signing below, Say acknowledges, understands, stipulates, and agrees to the following: (i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts, Order of Suspension (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 Say nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final


1 Order, and understands it completely; (v) he voluntarily, without any force or duress, enters into
2 this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final
3 Order below; (vi) he states that no promises or representation has been made to induce him to
4 sign this Stipulation and Final Order; and (vii) he has consulted with an attorney regarding this
5 Stipulation and Final Order and has been fully advised with regard to his rights thereto, or
6 waives any and all rights to consult with an attorney prior to entering into this Stipulation and
7 Final Order and issuance and entry of the Stipulated Final Order below. This stipulation is
8 contingent upon approval and adoption of the Order by the Commission. If the Commission
9 does not adopt this Order, neither Say nor the Commission are bound by these Stipulations and
10 Say retains all rights to a hearing on the allegations.

11 **STIPULATION OF FACTS**

- 12 1. The Commission has licensed Brian Lee Say since January 17, 1986. Say currently holds
13 a Standard Administrative License, with Standards Administrator and Standard
14 Superintendent endorsements, issued January 31, 2005 and valid through January 16,
15 2010. Say timely applied for renewal of his license which was pending the outcome of
16 this investigation.
- 17 2. On January 17, 2008 the Interim Superintendent of the Umatilla School District
18 reported that upon taking over as Superintendent she found several disciplinary matters
19 and allegations of misconduct that she could not find a record of having been reported to
20 the Commission. Specifically,
 - 21 a. A first year probationary male teacher allegedly made inappropriate
22 comments with sexual overtones to students. The same teacher allegedly hit
23 a female student on the buttocks with a ruler. These issues were investigated
24 and the teacher subsequently resigned after one year from the district.
 - 25 b. Say was aware of allegations of a sexual relationship that occurred some years
26 prior between a male teacher then serving the district and a female student.
 - 27 c. Say did not report these incidents to the Commission.

1 **IT IS SO STIPULATED AND AGREED TO:**

2 
3 Brian Lee Say Date 1/22/11

4 
5 Victoria Chamberlain, Executive Director Date 3-2-11
6 Teacher Standards and Practices Commission

7 **CONCLUSION OF LAW**

8 Brian Lee Say served failed to report suspected misconduct of at least two educators
9 while serving as Superintendent of the Umatilla School District. This conduct constitutes gross
10 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates
11 OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0041(3) (*A chief*
12 *administrator will report to the Executive Director within thirty (30) days the name of any*
13 *person described in subsection (2) above, when the chief administrator reasonably believes the*
14 *person may have committed any act which may constitute any of the designated acts of gross*
15 *neglect of duty under OAR 584-020-0040(4), subsections (a) to (i), (k) to (o) or (q) or any of*
16 *the designated acts of gross unfitness listed under OAR 584-020-0040(5), subsections (a) to*
17 *(e)*). The Commission has the authority to impose discipline in this matter under ORS 342.120
18 through 342.430 and OAR Chapter 584.

19 **FINAL ORDER**

20 The Commission adopts and incorporates herein the above findings of fact and
21 conclusion of law, based thereon, hereby suspends the Standard Administrator License of Brian
22 Lee Say for 1 year.

23 Issued and dated this 2 day of ^{March}~~February~~, 2011.

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

26
27 By 
28 Victoria Chamberlain, Executive Director