
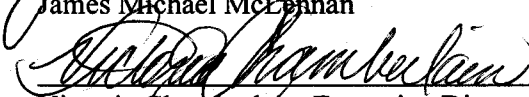


This stipulation and proposed order is contingent upon approval and adoption by the full Commission. If the Commission does not approve this stipulation and order, it is understood that any waiver of rights by Mr. McLennan is thereafter revoked. It is further understood in such event that the statements contained in this stipulation may not be used by either the Commission or Mr. McLennan in any subsequent contested case hearing.

IT IS SO STIPULATED:


James Michael McLennan

Victoria Chamberlain, Executive Director
Teacher Standards and Practices Commission

4-19-06
Date
4-20-06
Date

FINDINGS OF FACT

1. Mr. McLennan has been licensed by the Commission since 1992. The Commission issued a Standard Teaching License with a Standard Music Endorsement to Mr. McLennan on March 16, 2001, valid until March 15, 2006.
2. On September 1, 1992, the David Douglas School District hired Mr. McLennan as a music teacher in the District. At the time of his resignation, Mr. McLennan taught instrumental music in Grades 9-12. Mr. McLennan resigned his employment with the District effective June 14, 2002.
3. On June 2, 2002, U.S. Customs agents served a warrant to search Mr. McLennan's residence. Mr. McLennan lived alone in his residence at the time of the search. A search of his home on that date resulted in the discovery of computer disk containing child pornography.
4. On April 4, 2005, Mr. McLennan entered a conditional plea guilty in the US District Court to Possession of Child Pornography, 18 USC § 2252(a)(5)(B), defined as:

Any person who * * * knowingly possesses any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography that has been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer.

Mr. McLennan appealed the Court's ruling on certain motions to the Ninth Circuit. The Court sentenced Mr. McLennan to twelve months incarceration and three years of supervised probation which will be binding and enforceable if the Ninth Circuit affirms the Court's rulings.

CONCLUSIONS OF LAW

During the 2001-2002 school year, Mr. McLennan possessed child pornography, a crime under 18 USC § 2252A(a)(5)(B). Engaging in criminal behavior constitutes gross unfitness pursuant to OAR 584-020-0040(5)(e). Mr. McLennan was convicted of the federal crime of child pornography under 18 USC § 2252(A)(a)(5)(B). His conviction constitutes gross unfitness under OAR 584-020-0040(5)(c). The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

ORDER

The Commission hereby accepts the surrender of James Michael McLennan's Standard Teaching License and revokes said license.

IT IS SO ORDERED this 15 day of May, 2006.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: Victoria Chamberlain
Victoria Chamberlain, Executive Director

APPROVED AS TO FORM:

Ralph E. Wisner III
Ralph E. Wisner III, OSB #81423
Attorney for James Michael McLennan

4/14/06
Date