

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2 OF THE STATE OF OREGON

3 In the Matter of the
4 Teaching License of

5 MAX MURRAY HARRELL

Case No. 119767

STIPULATION OF FACTS, PUBLIC
REPRIMAND AND ORDER OF PROBATION

6 The Teacher Standards and Practices (Commission) issued a Notice of Opportunity for
7 Hearing on October 27, 2004 to Max Murray Harrell. Mr. Harrell requested a hearing, and the
8 case was assigned to Administrative Law Judge Catherine Coburn and scheduled for hearing on
9 June 21, 2005.

10 After a review of the matters alleged, the Commission and Mr. Harrell have agreed that
11 their respective interests, together with the public interest, are best served by a stipulation to
12 certain facts and the imposition of a public reprimand and two years' probation.

13 In entering into this stipulation, Mr. Harrell waives his right to a hearing and understands
14 that the Commission will enter the order set forth below. This stipulation and proposed order are
15 contingent on approval by the full Commission. If the Commission does not approve this
16 stipulation and order, it is understood that any waiver of rights by Mr. Harrell is therefore
17 revoked. It is further understood that the statements contained in this stipulation may not be used
18 by either the Commission or Mr. Harrell for any reason if the Commission fails to approve the
19 stipulation and proposed order.

20 **STIPULATION OF FACTS**

21 Mr. Harrell and the Commission stipulate as follows:

22 1. Mr. Harrell holds an Initial Administrative License with an administrator
23 endorsement and authorization. His license was issued on April 20, 2004 and is valid through

1 April 12, 2007. He held a Transitional Administrator License from June 26, 2001 through June
2 26, 2004.

3 2. Mr. Harrell has been employed as the superintendent for the Central Linn School
4 District since July 1, 2001. Prior to his employment at Central Linn, Mr. Harrell had served as a
5 school administrator in California and Idaho.

6 3. Before Mr. Harrell became superintendent, the Central Linn School District
7 employed Anthony "Shane" Cherry to teach classes in video productions and drama for the
8 district. Mr. Cherry did not hold an Oregon Teaching License and has never held a teaching
9 license.

10 4. During the late summer of 2001, Mr. Harrell learned that Mr. Cherry did not have
11 a teaching license. Mr. Cherry represented to Mr. Harrell and other district staff that he was
12 eligible to hold a teaching license and had applied to the Commission for a license. Mr. Harrell
13 allowed Mr. Cherry to continue teaching the class, and directed his staff to assign another teacher
14 as the "teacher of record" for the class. Mr. Cherry continued to teach the class during the 2001-2
15 school year, including the evaluation of students and the assigning of grades. In May 2002, the
16 district terminated Mr. Cherry's employment.

17 5. Mr. Cherry did not submit an application for an Oregon Teaching License as he
18 had represented to Mr. Harrell.

19 6. In March 2002, the Central Linn School Board employed Edward Sansom under a
20 probationary administrator contract at the recommendation of Mr. Harrell. The contract began
21 on April 1 and continued to June 30, 2002.

22 7. Dave Bolin had been serving as interim principal at the Central Linn High School.
23 Mr. Bolin continued to serve as the interim principal from April 1, 2002 to June 30, 2002.

1 8. On September 3, 2002, Mr. Harrell and Mr. Sansom entered into another contract
2 for Mr. Sansom to serve as principal for the period July 1, 2002 to June 30, 2005, and this
3 contract was approved by the school board. Mr. Sansom did not obtain an Oregon
4 Administrative License until September 23, 2002.

5 9. Mr. Sansom previously held an administrative license in Idaho. Mr. Harrell had
6 reason to believe that Mr. Sansom could meet the requirements to be granted an administrative
7 license in Oregon.

8 10. Mr. Sansom submitted his application for an administrative license by expedited
9 service on July 26, 2002. The Commission informed Mr. Sansom on July 29, 2002 that his
10 application was denied because it was incomplete. On September 20, 2002, Mr. Sansom
11 submitted a complete application, and the Commission issued a transitional administrative
12 license to him on September 23, 2002.

13 11. Mr. Harrell maintains that he was under the reasonable belief that the
14 Commission had a practice of issuing an administrative or a teaching license with a retroactive
15 date under some circumstances. The Commission maintains that it did not have a practice of
16 issuing a license that is effective retroactively to a date before an educator submits of a complete
17 application. Mr. Harrell did not contact the Commission to inquire whether it would be
18 permissible to employ Mr. Sansom as principal during any of the time period between April 1
19 and September 23, 2002.

20 Max Murray Harrell 6/14/05
Max Murray Harrell Date

21 Victoria Chamberlain 6-22-05
22 Victoria Chamberlain, Executive Director Date
Teacher Standards and Practices Commission

23

1 **CONCLUSIONS OF LAW**

2 1. Mr. Harrell assigned a person who did not hold an Oregon Teaching License to
3 teach classes within the Central Linn School District. This conduct constituted gross neglect of
4 duty in violation of OAR 584-020-0040(4)(i).

5 2. Mr. Harrell assigned a person who did not hold an Oregon Administrative License
6 to serve as principal at the Central Linn High School. This conduct constituted gross neglect of
7 duty in violation of OAR 584-020-0040(4)(i).

8 **DISCUSSION**

9 In imposing a sanction, the Commission takes into account that Mr. Harrell may have
10 been confused about the requirements for licensing in Oregon. He may have been misinformed
11 about some requirements for licensure in Oregon. However, rather relying on misinformation,
12 Mr. Harrell should have contacted the Commission for clarification before he assigned
13 unlicensed persons to teaching and administrative positions. Therefore, a public reprimand and
14 period of probation is appropriate.

15 **ORDER**

16 The Commission imposes a public reprimand to Max Murray Harrell, and this order shall
17 serve as the reprimand. The Commission also places Mr. Harrell on probation for a period of
18 two years from the date of this order. Conditions of probation are that Mr. Harrell shall comply
19 with all Standards for Competent and Ethical Performance of Educators under OAR 584
20 Division 020.

21 IT IS SO ORDERED this 9 day of August, 2005.

22 **TEACHER STANDARDS AND PRACTICES COMMISSION**

23 By: Victoria Chamberlain
Victoria Chamberlain, Executive Director