1	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2	OF THE STATE OF OREGON
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4 5 6 7 8 9	In the Matter of the Educator License of BENJAMIN D. LEE  ) STIPULATION OF FACTS AND FINAL ORDER OF SUSPENSION OF RIGHT TO APPLY FOR AN EDUCATOR LICENSE AND PROBATION
10	On March 2, 2022, the Teacher Standards and Practices Commission (Commission)
11	received information from the Oregon Department of Education (ODE) indicating Benjamin D.
12	Lee (Lee) may have committed acts of gross neglect of duty and/or gross unfitness, specifically,
13	that Lee engaged in inappropriate teacher/student boundaries with a student.
14	After review of the matters alleged, Lee and the Commission agree that their respective
15	interests, together with the public interest, are best served by a stipulation to certain facts, the
16	imposition of a ninety (90) day suspension on Lee's right to apply for an Oregon educator
17	license, and one (1) year of probation.
18	This Order sets forth the facts upon which the parties have agreed and the sanction to be
19	imposed. Lee stipulates that there are sufficient facts contained in the Commission's files and
20	records to support the findings of fact and conclusions of law set forth below. In entering into
21	this stipulation, Lee waives the right to a hearing to contest the findings of fact, conclusions of
22	law and order set forth below.
23	By signing below, Lee acknowledges, understands, stipulates, and agrees to the
24	following: (i) he has been fully advised of his rights to notice and a hearing to contest the
25	findings of fact, conclusions of law, and order set forth below, and fully and finally waives all
26	such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final
27	Order of Suspension of Right to Apply for Licensure and Probation (Stipulation and Final
28	Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public
29	upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and
30	subject to approval and adoption by the Commission. If the Commission does not approve and
31	adopt this Stipulation and Final Order, then neither Lee nor the Commission are bound by the
32	terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it
33	completely; (v) he voluntary, without any force or duress, enters into this Stipulation and Final
34	Order and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that
35	no promise or representation has been made to induce him to sign this Stipulation and Final

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Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order

1	and	d has been fully advised with regard to his rights thereto, or waives any and all rights to
2		asult with an attorney prior to entering into this Stipulation and Final Order and issuance and
3		try of the Stipulated Final Order below.
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5		STIPULATION OF FACT
6	1.	On August 18, 2021, Benjamin D. Lee submitted an application with the Commission for a
7		Clinical Practices (Student Teaching) License, which was issued. On December 2, 2021, Lee
8		submitted an application with the Commission for a Restricted Substitute Teaching License.
9		On December 3, 2021, the David Douglas School District (DDSD) provided the Commission
10		a letter sponsoring Lee's license. On April 29, 2022, the license was closed after Lee failed to
11		provide his transcript.
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13	2.	On March 2, 2022, the Commission received a report from the Oregon Department of
14		Education (ODE) containing allegations that during the first few months of the 2021-22
15		school year, while Lee worked as a student-teacher/Instructional Assistant (IA) at Fir Ridge
16		Alternative High School, DDSD, Lee engaged in overly personal conversations with a female
17		student and showed undue interest in the student. The conversations were alleged to have
18		included topics that were overly personal in nature.
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20	3.	Investigation found Lee's conversations with the student included questions and discussions
21		about her personal life. These questions and discussions included inquiries about the status
22		of the student's personal relationships, what types of men she liked, and if she would
23		consider dating men of specific races.
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25		In September 2021, a staff member overheard Lee talking to another staff member in an
26		unprofessional manner regarding a student's behavior. Lee's comments and laughing were
27		heard by nearby students. In Lee's Commission interview, Lee admitted telling co-workers a
28		nickname Lee had which was a slang reference to penis size. Lee also admitted that a co-
29		worker once called Lee by the nickname at school, and it may have been in front of students.
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31		In September 2021, after the student said men of a certain astrological sign should be
32		attracted to her, Lee told the student that he was that astrological sign. In October 2021, Lee

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engaged the student in the cafeteria while the student was eating lunch with classmates, and

after asking why she had been avoiding him, Lee told the student that he thought she, "liked

being chased". In November 2021, Lee asked the student if she had spent the night with her

1 boyfriend. In November 2021, Lee again engaged the student in the cafeteria while she was 2 standing with a group of classmates. Lee commented the students looked like they were in a 3 dance circle. The student told Lee he could dance if he wanted. Lee declined and told the student he would like to see her dance. 4 5 4. On December 1, 2021, the student reported to school staff that Lee was making her 6 7 uncomfortable. The DDSD placed Lee on administrative leave that day and made a report to ODE. On December 10, 2021, Lee resigned his position with the DDSD. 8 9 10 IT IS SO STIPULATED: 11 Benjamin D. Lee 12 13 Trent Danowski, Deputy Director 14 Teacher Standards and Practices Commission 15 16 CONCLUSIONS OF LAW 17 Benjamin D. Lee's conduct as described in section thee (3) above, constitutes gross 18 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates 19 OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-0025(2)(e) (Using district 20 21 lawful and reasonable rules and regulations) and OAR 584-020-0030(2)(b) (Skill in 22 communicating with administrators, students, staff, parents, and other patrons); and OAR 584-020-0040(4)(0) as it incorporates, OAR 584-020-0035(1)(c)(A) (Not demonstrating or 23 expressing professionally inappropriate interest in a student's personal life); and OAR 584-24 020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct and 25 26 conversations at all times). The Commission's authority to impose discipline in this matter is based upon ORS 27 28 342.175. 29 FINAL ORDER 30 The Commission hereby adopts and incorporates herein the above findings of fact and 31 conclusions of law, and based thereon, imposes a suspension of Lee's Right to Apply for an 32 33 Oregon Educator License for a period of ninety (90) days.

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Furthermore, the Commission imposes a period of one (1) year of Probation to begin

1	upon the issuance to Lee of an Oregon teaching license and subject to the following conditions:	í
2	1. Lee shall comply with the Standards for Competent and Ethical	
3	Performance of Oregon Educators under Oregon Administrative Rules	
4	Chapter 584, Division 020.	
5	2. Prior to application for licensure, Lee shall take a Commission approved training	
6	course specifically related to teacher/student boundaries and Lee shall provide the	
7	Commission evidence of his successful completion.	
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9	Issued and dated this <u>day</u> of February, 2023.	
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11	TEACHER STANDARDS AND PRACTICES COMMISSION	
12	STATE OF OREGON	
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15	By:	
16 17	Dr. Anthony Rosilez, Executive Director	
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20	NOTICE OF APPEAL OR RIGHTS	
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22 23	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY B OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE	
24	THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 To	
25	THE OREGON COURT OF APPEAL	_