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September 20, 2010

Brad Read  


**Re: Suspension Without Pay & Last Chance Agreement**

Brad:

As you are aware, you have been placed on administrative leave with pay pending the outcome of the district's investigations into allegations of misconduct made against you. Specifically, it was alleged:

1. You played an unauthorized and inappropriate song that used profanity in front of students;
2. You played an unauthorized and inappropriate video of George Carlin doing a sketch called "The American Dream" with several uses of profanity and sexual references;
3. You were not forthcoming in the first investigative meeting with me, when you failed to share any information about the George Carlin video; and
4. You deliberately lied during the District's investigation when you concocted a story about how you supposedly "fast-forwarded" through the majority of the profanity on the video even though you did not actually do so.

In response to the above allegations, you admitted your mistakes, including not being forthcoming and deliberately lying during the investigations. You explained that your students, for the most part, had not experienced school to be happy or pleasant. You said you were trying to make it interesting and "engage their reality." You stated that you weren't trying to attack government or education; you were trying to get the students to think critically. However, you also acknowledged that there were several other pieces of literature and/or historical figures from whom you could have drawn similar themes and that your approach wasn't exactly the most balanced. You regretted choosing the song, admitted there was a well-known process to approve supplemental materials and that you neglected to use that process. You acknowledged you deliberately concocted a story and stated that you aren't even sure why you lied, but that you know it was wrong to do so in the context of an investigation that was merely trying to focus on the truth.

You offered to apologize to the parents, to meet with the parents, and to apologize to the entire class. You also offered to turn in your lesson plans each day to your principal. You offered to accept whatever discipline the District would mete out but that you love teaching and genuinely want to keep your job. You believed that your misconduct could be a “teachable moment” for the students.

Based on the above, the findings are as follows:

1. You did play an unauthorized and inappropriate song and video for students. In fact, you admitted exactly that. You played the song without authorizations and despite the fact that you were aware of the approval process. You admitted after the fact that using instructional materials, such as this particular song and video, while they might be interesting to some, would just as likely be extremely offensive to others, and that the approval process should be used for that very reason.
2. You were less than forthcoming in the district’s investigation and you deliberately lied (more than once) during the investigation that was intended to do nothing more than understand the truth. Again you admitted exactly that. Initially, via your representative, you lied that you had used an “edited” version of the video that “fast-forwarded” through the inappropriate parts of the video. When we met in person, you then concocted an even more elaborate lie by telling me that, prior to class, you supposedly wrote down the times for fast-forwarding to ensure you removed the inappropriate parts. You even provided me with the piece of paper that you supposedly used with the times written on it. Of course, you hadn’t written anything down until after you knew you were in trouble and only in an effort to lie during your interview with me. When I played the video in the investigative meeting, you lied when you told me the parts you supposedly fast-forwarded. You later admitted that you hadn’t actually fast-forwarded through any of the video. At one point in the interview I specifically asked if students would corroborate your story that you fast-forwarded through parts of the video. You said yes even though you knew the only way any student would corroborate your story would be if the student also lied.

After carefully considering the above specific instances of misconduct by you, it is clear that some type of discipline is warranted. Again, you have conceded just that. You appear to recognize just how inappropriate your conduct was. However, you also engaged in attempts to justify your behavior by essentially asserting that “the ends justified the means” in helping students be “critical thinkers.”

One of the factors used to consider the appropriate level of discipline is whether you have been issued discipline in the past for similar behavior. As you know, you were. In 2006, you were issued a discipline letter for inappropriately encouraging students to engage in misconduct. You tried to justify your behavior in that situation by also attempting to

assert that the ends justify the means. Although at the time you denied your actions, students in your classroom verified the allegations. In addition, last year you were issued a verbal warning for using district email resources to engage in your own political actions related to the “Envision Spokane” referendum.

Another factor used to consider the appropriate level of discipline is the extent to which your actions had a negative impact on students and community members. Students who were asked about the George Carlin video reported discomfort at having it played in class. Parents who reported both the song and the video stated it was offensive. One student was removed from your class at the parents’ request. The District received complaints directly, and messages were posted on websites, indicating that your behavior was not appropriate for a teacher. And, of course, you have acknowledged the unprofessional nature of your behavior in specific regard to the impact on certain students and community members.

Your misconduct, including your lack of forthcoming behavior and your lying during the district investigation, are reason enough to recommend that your employment be terminated. Discharge from employment is based on whether sufficient cause exists and there is little doubt that it does here—especially considering your past disciplinary history and your deliberate decision to lie during the District’s investigation. Regardless of your underlying behavior, lying during an official investigation results in a breach of trust between employer and employee. In particular, lying about your behavior with students is especially egregious.

Despite the conclusion that sufficient cause exists for your discharge, I believe there are mitigating circumstances that justify a lesser consequence. The mitigating circumstances that I have considered are as follows:

1. You demonstrated extreme and genuine remorse with regard to offending individuals in the school community.
2. You stated more than once that you had “learned your lesson” and knew that all supplemental materials must go through the approval process.
3. You admitted your lies immediately and spared more students from having to be involved in the investigation.
4. You offered to publicly acknowledge your misconduct to both the parents and the students.
5. You offered to make an apology to any parent who reported a concern.
6. You offered to provide daily lesson plans to your principal listing any supplemental materials you might use.
7. You acknowledged the need for the District to impose discipline and agreed to accept whatever discipline the District decided upon.

Given all of the above, I have decided to impose a **19-day Suspension Without Pay and a Last Chance Agreement**. You are thus suspended from work for 19 days (with credit for time served), your pay will be suspended for 19 days according to a payroll schedule to be agreed upon, and you agree to the following “Last Chance” terms:

**1. Duration of Agreement:** This agreement shall remain effective so long as you continue to be employed by the Spokane School District in any capacity.

**2. Necessity and Importance of Agreement:** You understand and agree that this Agreement is necessary because of your specific misconduct and because of the disruption that conduct has had on the District, students, and members of the community. You understand and agree that all District employees are expected to be positive role models for students and patrons of our District and that your behavior in using inappropriate/unauthorized materials along with lying during an investigation was not positive role modeling.

**3. Use of Supplemental Materials:** You acknowledge and agree that you will obtain approval of any supplemental materials by your principal prior to use and that failure to do so will appropriately result in your discharge from employment. You also agree to provide your principal with lesson plans highlighting any supplemental materials you plan to use and agree that any failure to do so will appropriately result in your discharge from employment.

**4. Lying During Investigations:** You agree that you will not lie during any District investigation and that any such behavior will appropriately result in your discharge from employment.

**5. Acknowledgement of Misconduct:** You agree to publicly acknowledge your misconduct to parents and students in a manner agreed upon between you and the District. You agree not to make statements which are inconsistent with the conclusions and agreements in this letter.

**6. In Lieu of Discharge:** You acknowledge and admit that this agreement is entered into in lieu of your discharge, with the understanding by both you and the District that this is your last chance to avoid discharge for the type of misconduct described in this letter.

**7. Suspension without Pay:** You understand the need for and agree to accept a twenty (19) day suspension without pay, returning to work on September 27, 2010. You understand and agree that this suspension is the final step in progressive discipline and you agree not to grieve or in any way challenge this letter, the imposition of this discipline, or the issuance of the suspension without pay.

**8. Personnel File/Reporting to OPP:** You understand and agree that this Agreement will be placed in your personnel file and will remain there for the duration of your employment. In addition, you understand and agree that this matter will be reported to the Office of Professional Practices.

**9. Consultation with Union/Voluntary Agreement:** You agree and acknowledge that you have had an opportunity to consult with your union representative prior to entering into this Agreement and that you are entering into this Agreement voluntarily and without duress or undue influence.

**10. Union Agreement:** Your union, the Spokane Education Association, likewise agrees not to grieve or challenge in any way the District's handling of this matter, including but not limited to its investigation, its issuance of this letter, or its imposition of the suspension without pay.

To reiterate, Brad, this is the last and final step for you and is a clear and direct warning to you that any further misconduct of a similar nature, regardless of severity, will result in your discharge from employment. Thus, you must give your immediate, continued, and focused attention to meeting the district's expectations in this matter. This letter will be placed in your personnel file and will be maintained in district records as evidence of our handling of the matter.

Sincerely,



Dr. Staci Vesneske  
Assistant Superintendent, Human Resources

Agreed to and Approved by: Brad Read Dated: 9/20/10  
Brad Read

Agreed to and Approved by: Jenny Rose Dated: 9/20/10  
Union President