

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

In the Matter of the)
Teaching License of)
KIMBERLY RENE HORENSTEIN)
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On March 3, 2009, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Kimberly R. Horenstein (Horenstein) in which the Commission denied reinstatement of her teaching license. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt 7006 2760 0000 1638 5797 to the address on file with the Commission. The certified mail receipt was signed by Horenstein on 3/9/2009. The Notice of Opportunity of Hearing, dated March 3, 2009, and signed by Victoria Chamberlain, Executive Director, stated:

"You, Kimberly R. Horenstein, are entitled to a hearing on the proposed action of the Commission. If you want a hearing, you must file a written request for a hearing with the Commission within 21 days of the date of this notice. Attached to this notice is a copy of the procedures, right of representation and other rights of parties relating to the conduct of a hearing as required under ORS 183.413(2)."

Ms. Horenstein did not request a hearing. The Commission, therefore, finds Ms. Horenstein to be in default and enters the following findings of fact, conclusions of law and order, based on the files and records of the Commission concerning this matter.

FINDINGS OF FACT

1. On August 8, 2007, the Commission revoked Kimberly R. Horenstein's right to apply for a teaching license by entry of a default order. Horenstein's license previously expired on May 25, 2007. Revocation of Horenstein's right to apply was based on gross unfitness in connection with sexual relationships she admitted having with two juvenile females.
2. Pursuant to ORS 342.175(3); a person whose privilege to apply for a license has been revoked may apply to the Commission for reinstatement of the license or registration after one year from the date of the revocation.
3. The Commission considered Horenstein's request for reinstatement of her right to apply on February 13, 2009. After considering the information Horenstein provided, along with the Commission's materials leading to revocation of her right to apply, the Commission denies Horenstein's application for reinstatement because she failed to furnish satisfactory evidence of good moral character, mental and physical health, and general fitness to hold an educator license. The facts and circumstances considered by the Commission include the following:
 - a. Horenstein engaged in sexual misconduct with two girls who were approximately 12 to 13 years old at the time of the sexual misconduct.
 - b. The sexual misconduct with each girl was not isolated. It occurred by Horenstein's own admission multiple times, and involved kissing, oral sex and digital penetration over several months.
 - c. Horenstein was in a position of trust as a swim coach for each of the two girls that she engaged in sexual misconduct with.

- 1 d. Horenstein's sexual misconduct did not result in criminal convictions because it was
2 discovered by authorities after the statute of limitations had expired. Horenstein's
3 sexual misconduct otherwise would have constituted one or more mandatory
4 convictions under ORS 342.143(3), for which the Commission would have been
5 required to revoke her license.
- 6 e. Educators must possess good moral character, and must be trustworthy to have
7 unsupervised contact with children of any age. Horenstein's prior sexual misconduct
8 demonstrates that she does not possess good moral character or trustworthiness to
9 hold an educator license.

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11 **III. CONCLUSIONS OF LAW**

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13 The information submitted by Ms. Horenstein in support of her license renewal failed to
14 establish her fitness to serve as an educator as required by ORS 342.143(2) and OAR 584-050-
15 0018(3).

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17 **IV. REASONING**

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19 Ms. Horenstein requested reinstatement of her teaching license following revocation of her
20 license as the result of an inappropriate relationship with two female students. The Commission has
21 reviewed the information, and finds that Ms. Horenstein has failed to meet the requirements to
22 establish fitness, and has specifically failed to establish one of the conditions set by the Commission.

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24 **V. ORDER**

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26 The application for reinstatement of the revoked teaching license of Kimberly R. Horenstein is
27 DENIED.

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29 DATED this 4th day of May, 2009.

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31 TEACHER STANDARDS AND PRACTICES COMMISSION

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33 By: Victoria Chamberlain
34 Victoria Chamberlain, Executive Director
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38 **NOTICE OF APPEAL OR RIGHTS**

39 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
40 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
41 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE
42 OREGON COURT OF APPEALS.