## 1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 In the Matter of the STIPULATION OF FACTS AND 4 Educator License of: FINAL ORDER OF SUSPENSION 5 OF RIGHT TO APPLY AND 6 BRETT ELLEN-ANNE HUTWAGNER **PROBATION** 7 8 On May 5, 2011, the Commission received a report from Portland Public Schools 9 alleging that Hutwagner may have engaged in conduct constituting Gross Neglect of 10 Duty. 11 After review of the matters alleged, Hutwagner and the Commission agree that 12 their respective interests, together with the public interest, are best served by a 13 stipulation to certain facts and a 3 month suspension of Hutwagner's right to apply for 14 teaching license in the State of Oregon, plus a 4 year period of probation. Hutwagner 15 stipulates that there is sufficient information contained in the Commission's files to 16 support the stipulation of facts set forth below. 17 By signing below, Hutwagner acknowledges, understands, stipulates, and agrees 18 to the following: (i) she has been fully advised of her rights to notice and a hearing to 19 contest the findings of fact, conclusions of law, and order set forth below, and fully and 20 finally waives all such rights and any rights to appeal or otherwise challenge this 21 Stipulation of Facts and Final Order of Suspension (Stipulation and Final Order); (ii) this 22 Stipulation and Final Order is a public document and disclosed to the public upon 23 request by the Commission; (iii) this Stipulation and Final Order is contingent upon and 24 subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Hutwagner nor the 25 26 Commission are bound by the terms herein; (iv) she has fully read this Stipulation and 27 Final Order, and understands it completely; (v) she voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of 28 29 the Stipulated Final Order below; (vi) she states that no promise or representation has 30 been made to induce him to sign this Stipulation and Final Order; and (vii) she has 31 consulted with an attorney regarding this Stipulation and Final Order and has been fully 32 advised with regard to her rights thereto, or waives any and all rights to consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry of 33

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the Stipulated Final Order below.

## STIPULATION OF FACTS

- 2 1. Brett Hutwagner has been licensed since September 14, 2006. She last held an
- 3 Initial II Teaching License issued July 27, 2010, with endorsements in Basic
- 4 Mathematics (ML), Multiple Subjects (MIDLVL) and Integrated Science (ML), that
- 5 expired on July 26, 2013. During all relevant times, Hutwagner were employed by
- 6 the Portland Public Schools District.

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- 7 2. On or around November 10, 2010, the school district received two patron complaints
- 8 alleging that Hutwagner had engaged in inappropriate conduct in the classroom.
- 9 District investigation revealed that students complained of Ms. Hutwagner using
- derogatory and demeaning terms in class. Investigation also revealed that Ms.
- Hutwagner held a class vote to exclude 4 students from participating in a science
- 12 project for poor classroom behavior.
- 13 3. After being alerted of the two complaints referenced in paragraph 2, Ms. Hutwagner
- requested a substitute teacher to cover her classroom in order to speak to a union
- representative. Ms. Hutwagner left her classroom before the substitute arrived.
- requiring an administrator to cover her classroom until the substitute arrived.
- 17 Neither the administrator nor the substitute found lesson plans or directions for
- substituting in the classroom.
- 19 4. On March 17, 2014, Hutwagner encountered a student out of class in the hallway
- during class time. When she approached the student at the locker, Hutwagner and
- 21 the student touched in a way that made Hutwagner feel uncomfortable. She pushed
- 22 the student backward and he stumbled. After this incident Hutwagner was warned
- and instructed 'not to put your hands on students." On April 18, 2011 Hutwagner
- was involved in another altercation with a misbehaving student. In this instance,
- 25 Hutwagner pushed a chair toward the student, hitting her in the leg. Hutwagner
- than grabbed the student by the arms and forced her to sit in the chair. Hutwagner
- was issued a letter of reprimand and final warning based for using unreasonable
- physical force. Hutwagner was also suspended without pay for five days and was
- required to undergo counseling through the employee assistance program.
- 30 5. On or about October 2011, multiple students complained about what they perceived
- were racist comments or singling out of minority students in the classroom. The
- 32 resulting investigation found that Hutwagner used derogatory terms and made race-
- oriented statements that students perceived as being racist.

1	6. Between September 2011 and November 2011, administrators observed that
2	Hutwagner left her classroom unsupervised by a licensed teacher on four separate
3	occasions despite prior warnings and instructions not to leave the classroom
4	unsupervised without a licensed teacher.
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6	IT IS SO STIPULATED:
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10 11 (	Bron Alles Apple Hydwalder  Milled Mambellain  6-19-14
. 12 \	Victoria Chamberlain, Executive Director
13	Teacher Standards and Practices Commission
14	CONCLUSIONS OF LAW
15	1. By engaging in the conduct in paragraph 2, Hutwagner committed Gross Neglect
16	of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it
17	incorporates OAR 584-020-0010(1) (Recognize the worth and dignity of all
18	persons and respect for each individual), OAR 584-020-0010(5) (Use
19	professional judgment), OAR 584-020-0015(2)(e) (Skill in the selection and use
20	of teaching techniques conducive to student learning), OAR 584-020-
21	0020(2)(d)(Skill in the supervision of students); OAR 584-020-
22	0025(2)(a)(Establishing and Maintaining classroom management that is
23	conductive to learning); OAR 584-020-0030(2)(b) (Skill in communicating with
24	administrators, students, staff, parents, and other patrons).
25	2. By engaging in the conduct in paragraphs 3 and 6, Hutwagner committed Gross
26	Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it
27	incorporates OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-
28	0020(2)(d) (Skill in the supervision of students), OAR 584-020-
29	0025(2)(a)(Establishing and Maintaining classroom management that is

1	conductive to learning); OAR 584-020-0025(2)(e)(Using district lawful and
2	reasonable rules and regulations).
3	3. By engaging in the conduct in paragraph 4, Hutwagner committed Gross Neglect
4	of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it
5	incorporates OAR 584-020-0010(5) (Use professional judgment), OAR 584-020
6	0020(2)(d) (Skill in the supervision of students), OAR 584-020-
7	0025(2)(e)(Using district lawful and reasonable rules and regulations); and
8	OAR 584-020-0040(4)(d) (Unreasonable physical force against students, fellow
9	employees, or visitors to the school, except as permitted under ORS 339.250).
10	4. By engaging in the conduct in paragraph 5, Hutwagner committed Gross Neglect
11	of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it
12	incorporates OAR 584-020-0010(1) (Recognize the worth and dignity of all
13	persons and respect for each individual), OAR 584-020-0010(5) (Use
14	professional judgment), OAR 584-020-0015(2)(e) (Skill in the selection and use
15	of teaching techniques conducive to student learning), OAR 584-020-0030(2)(b)
16	(Skill in communicating with administrators, students, staff, parents, and other
17	patrons); and OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-
18	0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct
19	and conversations at all times)
20	5. The Commission's authority to impose discipline in this matter is based upon
21	ORS 342.175.
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23	ORDER
24	1. Based on the foregoing, the Commission hereby suspends Mr. Hutwagner's right
25	to apply for a teaching license for 3 months beginning the date that this order is
26	signed by the Executive Director below

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