

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON
3

4 In the Matter of the Educator) DEFAULT ORDER OF
5 License of) REPRIMAND AND
6 MICHAEL ALLEN HARTER) PROBATION
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9 On August 17, 2016, the Teacher Standards and Practices Commission (Commission)
10 issued a Notice of Opportunity for Hearing to Michael Allen Harter (Harter) in which the
11 Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First
12 Class Mail and U.S. Certified Mail Receipt 7015 3010 0002 3171 1019 to the address on file
13 with the Commission. The Notice designated the Commission file as the record for purposes
14 of proving a prima facie case. The Certified Mail receipt was not returned to the
15 Commission. The first class mail was not returned to the Commission. The Notice of
16 Opportunity of Hearing, dated August 17, 2016, and signed by Dr. Monica Beane, Executive
17 Director, stated:

18 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY
19 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
20 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
21 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU
22 FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER
23 OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF
24 YOUR LICENSE OR OTHER DISCIPLINE."
25

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

29 **FINDINGS OF FACT**

- 30 1. Harter has been licensed by the Commission since July 22, 2002. Harter held an
31 Initial II Teaching License, with an endorsement in Multiple Subjects (MIDLVL),
32 valid from October 28, 2012, through October 27, 2015. Harter also held an
33 Initial Administrator License, with an endorsement in Administrator (ALL LVL),
34 which was valid from February 26, 2007, through October 27, 2010. During all
35 relevant times, Harter was employed by the Hillsboro School District.
36 2. On November 24, 2014, the Commission received a report from the Hillsboro
37 School District alleging Harter had violated professional standards and practices.

1 Specifically, the report alleged Harter displayed inappropriate behavior in the
2 presence of a minor aged students over the summer break. On November 7, 2014,
3 a parent of a female Poynter Middle School student, filed a complaint with the
4 district against Harter and requested that her daughter be removed from Harter's
5 class.

6
7 The parent explained that during the summer (on or about August 22, 2014), she
8 and another parent were swimming with their four children (ages 10-15) at an
9 apartment swimming pool. Harter, not previously known to them, appeared at
10 the pool intoxicated. Harter approached the group and attempted to speak with
11 them, but Harter's conversation was slurred, disjointed and confusing due to
12 Harter's level of intoxication. Frustrated with his inability to communicate with
13 the group, Harter went to the opposite end of the pool area and disrobed in
14 public. As the patron and children were attempting to leave the area, Harter
15 again approached them, exposing his genitals in front of the children.

16
17 At the beginning of the school year, one of the female students present at the
18 swimming pool incident was assigned to a class that Harter taught. Discovering
19 that Harter was a teacher and the same person she had encountered at the pool,
20 the student became extremely uncomfortable and requested to be removed from
21 Harter's class. On February 2, 2015, Harter resigned his employment with the
22 Hillsboro School District in lieu of termination.

23 CONCLUSIONS OF LAW

24 Michael Allen Harter engaged in unprofessional conduct as described above. This
25 conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-
26 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR
27 584-020-0030(2)(b) (*Skill in communicating with administrators, students, staff, parents,*
28 *and other patrons*); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-
29 0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and*
30 *conversations at all times*), and OAR 584-020-0035(3)(a) (*Maintain the dignity of the*
31 *profession by respecting and obeying the law, exemplifying personal integrity and*

1 honesty).

2
3 The Commission's authority to impose discipline in this matter is based upon ORS
4 342.175.

5 **FINAL ORDER**

6 The Commission hereby issues a Public Reprimand upon Michael Allen Harter's
7 Oregon educator license and places Harter on probation for a period of four (4) years from
8 the date of this order. This probation period is subject to the following terms and
9 conditions:

- 10 1. Harter shall comply with the Standards for Competent and Ethical Performance
11 of Oregon Educators under Oregon Administrative Rules Chapter 584, Division
12 020.

13 Violation of any term or condition of probation shall constitute an independent basis
14 for the Commission to revoke Harter's Oregon educator license or otherwise impose
15 discipline, after first providing Harter with notice and opportunity for hearing.

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18 IT IS SO ORDERED THIS 30th day of September, 2016.

19 TEACHER STANDARDS AND PRACTICES COMMISSION

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21 By: Monica Beane
22 Dr. Monica Beane, Executive Director

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24 **NOTICE OF APPEAL OR RIGHTS**

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