1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON STIPULATION OF FACTS 3 In the Matter of the 4 AND FINAL ORDER OF Teaching License of:) 5 **BRIAN HARTENSTEIN** REVOCATION) 6 7 On or about January 7, 2009, the Teacher Standards and Practices Commission 8 (Commission) received a report indicating that Mr. Hartenstein may have engaged in conduct 9 constituting gross neglect of duty. 10 The Commission charged Mr. Hartenstein with gross neglect of duty and issued a Notice 11 of Opportunity for Hearing on December 18, 2009. After review of the matters alleged, Mr. 12 Hartenstein and the Commission agree that their respective interests, together with the public 13 interest, are best served by a stipulation to certain facts, the revocation of his license. 14 By signing below, Mr. Hartenstein acknowledges, understands, stipulates, and agrees to 15 the following: (i) he has been fully advised of his rights to notice and a hearing to contest the 16 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all 17 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final 18 Order of Reprimand (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public 19 document and disclosed to the public upon request by the Commission; (iii) this Stipulation and 20 Final Order is contingent upon and subject to approval and adoption by the Commission. If the 21 Commission does not approve and adopt this Stipulation and Final Order, then neither Mr. 22 Hartenstein nor the Commission are bound by the terms herein; (iv) he has fully read this 23 Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any force 24 or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the 25 Stipulated Final Order below; (vi) he states that no promises or representation have been made 26 to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney

regarding this Stipulation and Final Order and has been fully advised with regard to his rights

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1	thereto, or waives any and all rights to consult with an attorney prior to entering into this
2	Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.
3	STIPULATION OF FACTS
4	1. The Commission has licensed Mr. Hartenstein since July 7, 2004. Mr. Hartenstein
5	currently holds an Initial I Teaching license with an endorsement in High School and Middle
6	Level Language Arts and Middle Level Multiple Subjects, valid from November 11, 2007 to
7	November 10, 2010.
8	2. During all relevant times, Mr. Hartenstein was employed by the Beaverton School
9	District as a high school teacher.
10	3. During the weekend of November 28 to 30, 2008, Mr. Hartenstein met with a 17 year old
11	female student, JDO, alone and off campus on three separate occasions. On one of these occasions
12	JDO rode in his personal vehicle without parental permission.
13	4. On or about December 2, 2008, Mr. Hartenstein informed his principal that his wife
14	had intercepted a letter he had written to JDO. Mr. Hartenstein admitted that it contained
15	graphic language and was written in a style one would use to write to an adult friend, but the
16	letter was never delivered to JDO. Mr. Hartenstein also admitted that he had developed a
17	friendship with JDO outside the scope of the student-teacher relationship, and that he had, on
18	several occasions, discussed personal relationship issues with her.
19	IT IS SO STIPULATED AND AGREED TO:
20 21	Brian Hartenstein 7//0/20/0 Date
22 23 24	Victoria Chambertain Executive Director Date
25	Teacher Standards and Practices Commission

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1	CONCLUSIONS OF LAW
2	Mr. Hartenstein's conduct described in paragraphs 3 and 4 above constitutes gross neglect of
3	duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-
4	0035(1)(c)(A) and (D) (expressing professionally inappropriate interest in a student's personal life; not
5	honoring appropriate adult boundaries with students in conduct and conversations at all time).
6	The Commission has the authority to impose discipline in this matter under ORS
7	342.120 through 342.430 and OAR Chapter 584.
8	FINAL ORDER
9	The Commission adopts and incorporates the above findings of facts and conclusions of
10	law, and based thereon, hereby revokes the Initial I Teaching License of Brian Hartenstein.
11	One year from the date of this agreement, Mr. Hartenstein may apply to the Commission for
12	reinstatement of his license, subject to the following conditions:
13	a. Mr. Hartenstein will complete boundary training by a provider subject to Commission
14	approval.
15	b. Mr. Hartenstein will provide proof of completion of the boundaries training as part of
16	his petition for reinstatement.
17	c. Reinstatement of Mr. Hartenstein's license will be subject to Commission approval.
18	Issued and dated this day of, 2010.
19 20	TEACHER STANDARDS AND PRACTICES COMMISSION STATE OF OREGON
21 22 23	By Wictoria Chamberlain, Executive Director

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