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BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

OF THE STATE OF OREGON

3	In the Matter of the)	STIPULATION OF FACTS AND
4	Educator License of)	FINAL ORDER OF PUBLIC
5	CHRISTOPHER NIEBERGALL)	REPRIMAND

On February 26, 2015, the Teacher Standards and Practices Commission
(Commission) received a report from the Oregon Department of Human Services, Child
Welfare (DHSCW), alleging professional misconduct on the part of licensed educator,
Christopher Niebergall (Niebergall).

After review of the matters alleged, Niebergall and the Commission agree that
their respective interests, together with the public interest, are best served by a
stipulation to certain facts and the imposition of a Public Reprimand.

14 This Order sets forth the facts upon which the parties have agreed and the 15 sanction to be imposed. Niebergall stipulates that there are sufficient facts contained in 16 the Commission's files and records to support the Stipulations of Fact and conclusions of 17 law set forth below. In entering into this stipulation, Niebergall waives the right to a 18 hearing to contest the findings of fact, conclusions of law and order set forth below.

19 By signing below, Niebergall acknowledges, understands, stipulates, and agrees 20 to the following: (i) he has been fully advised of his rights to notice and a hearing to 21 contest the findings of fact, conclusions of law, and order set forth below, and fully and 22 finally waives all such rights and any rights to appeal or otherwise challenge this 23 Stipulation of Facts and Final Order of Public Reprimand (Stipulation and Final Order); 24 (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent 25 26 upon and subject to approval and adoption by the Commission. If the Commission does 27 not approve and adopt this Stipulation and Final Order, then neither Niebergall nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and 28 29 Final Order, and understands it completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of 30 31 the Stipulated Final Order below; (vi) he states that no promise or representation has been made to induce him to sign this Stipulation and Final Order; and (vii) he has 32 consulted with an attorney regarding this Stipulation and Final Order and has been fully 33 advised with regard to his rights thereto, or waives any and all rights to consult with an 34

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2	the Sti	pulated Final Order below.		
3		STIPULATION OF FACTS		
4	1.	The Commission has licensed Niebergall since May 2, 1985. Niebergall currently		
5		holds a Basic Teaching License, with an endorsement in Basic Elementary (014),		
6		valid from January 23, 2014, through January 22, 2017. On November 9, 2016,		
7		Niebergall made timely application for renewal, and as a result, the expiration of		
8		Niebergall's license was stayed pending the outcome of the ongoing		
9		investigations. During all relevant times, Niebergall was employed by Portland		
10		Public Schools (PPS).		
11	2.	On February 26, 2015, the Commission received a report from the Oregon		
12		Department of Human Services, Child Welfare (DHSCW) alleging that Niebergall		
13		had engaged in conduct that may be considered gross neglect of duty and/or		
14		gross unfitness.		
15	3.	On February 25, 2015, Niebergall was placed on administrative leave while PPS		
16		and local law enforcement investigated the DHS reports. Multiple students		
17		interviewed indicated that Niebergall had touched their hands, arms, shoulders,		
18		or head in a manner that made them feel uncomfortable. Niebergall attested that		
19		his use of touching the students was to redirect, encourage, and acknowledge		
20		students as needed. At the time of the conduct, PPS did not have clear policies		
21		prohibiting touching students for such purposes. Local law enforcement did not		
22		bring charges. Niebergall retired from his employment with PPS and PPS		
23		imposed disciplinary action.		
24				
25	IT IS S	SO STIPULATED:		
26	P	6: L[L] A-16-19		

Christopher Niebergall

 $\frac{q-16-19}{Date}$ $\frac{q}{23}/2019$

Date

Trent Danowski, Deputy Director Teacher Standards and Practices Commission

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1	CONCLUSION OF LAW
2	The conduct described above constitutes gross neglect of duty in violation of ORS
3	342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use
4	professional judgment); and OAR 584-020-0040(4)(0) as it incorporates, OAR 584-
5	020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students in conduct
6	and conversations at all times).
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8	The Commission's authority to impose discipline in this matter is based upon
9	ORS 342.175.
10	ORDER
11	The Commission adopts and incorporates herein the above findings of fact and
12	conclusions of law, and based thereon, imposes a Public Reprimand on Christopher
13	Niebergall's Oregon educator license.
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16	Issued and dated this \bigcirc day of November, 2019.
17	TEACHER STANDARDS AND PRACTICES COMMISSION
18	STATE OF OREGON
19	A
20	By for the second
21	Dr. Anthony Rosilez, Executive Director