


1 attorney prior to entering into this Stipulation and Final Order and issuance and entry of
2 the Stipulated 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 SO STIPULATED:

26 
27 _____
28 Christopher Niebergall

9-16-19

Date

29 
30 _____
31 Trent Danowski, Deputy Director
32 Teacher Standards and Practices Commission

9/23/2019

Date

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)(o) 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*).

7
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.

14
15
16 Issued and dated this 8 day of November, 2019.

17 **TEACHER STANDARDS AND PRACTICES COMMISSION**
18 **STATE OF OREGON**

19
20 By  _____

21 Dr. Anthony Rosilez, Executive Director