



1 consult with an attorney prior to entering into this Stipulation and Final Order and issuance and  
2 entry of the Stipulated Final Order below.

3  
4 **FINDINGS OF FACT**

5 1. Austin D. Nieve has been licensed by the Commission since March 13, 2022. Nieve held an  
6 Emergency Substitute Teaching License, with an endorsement in Substitute (PK-12), valid  
7 from March 13, 2022, through July 19, 2022. During all relevant times, Nieve was employed  
8 by the South Lane School District (SLSD).

9  
10 2. On May 3, 2022, the Commission received a report from the SLSD indicating Nieve may  
11 have committed acts which constitute gross neglect of duty and/or gross unfitness. The  
12 SLSD reported Nieve engaged in inappropriate teacher/student boundaries with two (2)  
13 students from Harrison Elementary School (HES).

14  
15 3. Investigation found that Nieve began working for the SLSD at the start of the 2021-2022  
16 school year as a Community Resource Specialist, a classified position. In that role, Nieve  
17 connected social service agencies with students and their families in need of support. On  
18 January 21, 2022, following a request by school administrators to school employees who  
19 were eligible for an Emergency Substitute Teaching License to fill in gaps for teaching staff  
20 shortages, Nieve submitted an application for an Emergency Substitute Teaching License,  
21 which was issued on March 13, 2022. Prior to this, Nieve had no prior teaching training and  
22 the district provided no significant training after his licensure.

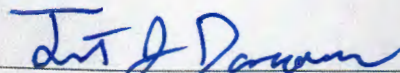
23  
24 4. Investigation found that on March 28, 2022, Nieve told a HES administrator that during  
25 spring break, students MA and KW had spent nights at Nieve's residence. On March 31,  
26 2022, Nieve was observed by HES staff sitting in the library and consoling with MA who was  
27 seated on Nieve's lap. On April 1, 2022, a HES staff member walked by Nieve's office and  
28 observed MA sitting on Nieve's lap. When asked about this, Nieve said the parents allowed  
29 this and that MA could also refer to him as "dad". In April 2022, Nieve separated from the  
30 district. In May 2022, the parents of MA reported Nieve was communicating with MA via  
31 Snapchat to coordinate rides to sports practices. Prior to receiving his license and after,  
32 Nieve served as a coach for non-school sponsored basketball and soccer teams which KW  
33 and MA play on. On occasion and with parental consent, Nieve transported one, both, or  
34 other students he worked with as a resource specialist in his personal automobile. Nieve also  
35 transported and escorted KW and MA to the movies and an arcade.

1 5. Investigation found that at times, responsibilities Nieve had as a resource coordinator and  
2 the expectations of a licensed teacher were in conflict. Practices such as working closely with  
3 students and families and consideration of Nieve involvement of working as a surrogate  
4 guardian for MA created unforeseen boundary issues which Nieve, an untrained teacher  
5 attempting to support the district's substitute teacher issues, was unable to recognize.  
6

7 IT IS SO STIPULATED:  
8

9   
10 Austin D. Nieve

4 / 10 / 23  
Date

11   
12 Trent Danowski, Deputy Director  
13 Teacher Standards and Practices Commission  
14  
15

4 / 19 / 2023  
Date

#### 16 CONCLUSIONS OF LAW

17 Austin D. Nieve's conduct as described in section 4 above constitutes gross neglect of  
18 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-  
19 020-0010(1) (*Recognize the worth and dignity of all persons and respect for each individual*),  
20 OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district*  
21 *lawful and reasonable rules and regulations*); OAR 584-020-0040(4)(o) as it incorporates  
22 OAR 584-020-0035(1)(b) (*Refrain from exploiting professional relationships with any student*  
23 *for personal gain, or in support of persons or issues*), OAR 584-020-0035(1)(c)(A) (*Not*  
24 *demonstrating or expressing professionally inappropriate interest in a student's personal life*),  
25 and OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in*  
26 *conduct and conversations at all times*).

27 The Commission's authority to impose discipline in this matter is based upon ORS  
28 342.175.  
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#### 30 FINAL ORDER

31 The Commission hereby suspends Austin D. Nieves right to apply for an Oregon teacher  
32 license for a period of ninety (90) days.

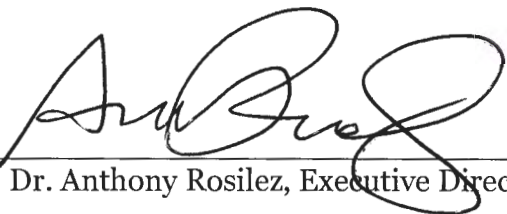
33 Furthermore, the Commission imposes a period of two (2) years of probation upon  
34 Nieve's licensure to commence from the date the license is issued by the Commission and  
35 subject to the following conditions:

- 36 1. Nieve shall comply with the Standards for Competent and Ethical Performance of

- 1 Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.  
2 2. Nieve shall successfully complete a Commission approved training course on  
3 teacher/student boundaries within 90 days of the adoption of this final order and  
4 provide evidence to the Commission of such training.

5  
6 Issued and dated this 21 day of June, 2023.

7  
8 **TEACHER STANDARDS AND PRACTICES COMMISSION**  
9 **STATE OF OREGON**

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11  
12  
13  
14 By:   
15 Dr. Anthony Rosilez, Executive Director  
16  
17  
18

19 **NOTICE OF APPEAL OR RIGHTS**

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