

1 any force or duress, enters into this Stipulation and Final Order and consents to issuance
2 and entry of the Stipulated Final Order below; (vi) he states that no promise or
3 representation has been made to induce him to sign this Stipulation and Final Order;
4 and (vii) he has consulted with an attorney regarding this Stipulation and Final Order
5 and has been fully advised with regard to his rights thereto, or waives any and all rights
6 to consult with an attorney prior to entering into this Stipulation and Final Order and
7 issuance and entry of the Stipulated Final Order below.

8 9 **STIPULATION OF FACTS**

- 10
11 1. The Commission has licensed Niebergall since January 14, 2022. Niebergall held
12 a Clinical Practices (Student Teaching) License with an endorsement in
13 Substitute Teaching (PK-12). The license was issued on January 14, 2022 and
14 expired on January 14, 2023. During all relevant times, Niebergall was employed
15 by the Portland Public School District (PPSD).
16
- 17 2. On June 9, 2022 the Commission received a cross-report from the Oregon
18 Department of Human Services – Child Welfare (DHS) alleging misconduct
19 against Niebergall, a licensed educator at Beaumont Middle School (BMS) in the
20 PPSD. Additionally, on July 26, 2022, the Commission received an educator
21 misconduct report from the PPSD alleging the same misconduct as the DHS
22 report. Both reports alleged that Niebergall sent private messages via Instagram
23 to a BMS student, “ZD.” The messages between Niebergall and ZD were primarily
24 exchanged during one day (April 12, 2022) and were reported to be
25 unprofessional, personal in nature, and demonstrated lack of professional
26 boundaries when communicating with a student. In one of the messages to ZD
27 Niebergall stated “don’t let admin (school administration) know about these
28 messages.”
29
- 30 3. Investigation by DHS, PPSD, and TSPC determined the following:
31
- 32 • On or about April 12, 2022, between the hours of 10AM and 9:30PM
33 Niebergall and ZD messaged one another over Instagram.
 - 34 • On or about April 12, 2022, Niebergall sent ZD approximately 231 direct
35 messages via Instagram.

- 1 • On or about April 12, 2022, ZD sent Niebergall approximately 169 direct
2 messages via Instagram.
- 3 • The text conversation between Neibergall and ZD on April 12, 2022 was
4 personal in nature. Niebergall and ZD discussed topics such as dating and
5 other topics unrelated to school.
- 6 • On May 17, 2022, Niebergall sent ZD a message that stated “k no more
7 discussing it please- thank you I do not want anyone complaining to admin
8 please.”

9 During PPSD’s investigation, it was determined that six (6) other students had
10 requested to follow Niebergall on Instagram, and that Niebergall had accepted all
11 six (6) of the follow requests. The students reported that they followed Niebergall
12 on Instagram until he deleted his account in mid-May, 2022. Four (4) of the six
13 (6) students reported that they had shared direct messages with him. The
14 students denied that the conversations that they engaged with Niebergall were
15 inappropriate or crossed any boundaries.

16
17 On June 23, 2022, Niebergall met with PPSD staff to discuss this matter, and
18 provided PPSD with the following written statements addressing the allegations:

19
20 *“I first and foremost would like to apologize to everyone in the room and*
21 *the individuals affected by my complete lapse of judgment. My actions were*
22 *unprofessional and a misrepresentation of the values that Portland Public*
23 *Schools, as well as myself embody. I come from a family of 12 teachers, and it*
24 *has been my lifelong dream to become one as well. I have always known that I*
25 *wanted to teach in Portland and fought for the opportunity to student teach and*
26 *substitute teach in PPS. I am truly grateful that Portland Public Schools allowed*
27 *me to serve as a student teacher and as an emergency substitute. I will*
28 *immediately admit without any hesitation that my communications with*
29 *students were plainly wrong. I offer the following as an explanation for my*
30 *lapse of judgment and NOT as a justification or excuse for my actions.*

31
32 *As a 22-year-old, the medium of all my communication is via social media.*
33 *Social media is, unfortunately, the only way people my age seem to know how*
34 *to communicate with others. Middle school and high school were especially*

1 *difficult for me, and I always admired teachers that tried to connect with me at*
2 *my level. I was so eager and excited for the opportunity to teach, and I also*
3 *wanted to connect with my students at their level the same way my favorite*
4 *teachers connected with me. I now clearly see that I failed to do this in a*
5 *professional way. Please also know that I suffer from anxiety and depression*
6 *which stem from the recent and unexpected passing of my mother. These things*
7 *have led me to seek approval and acceptance from my peers and My students.*
8 *My intention was never to cause any harm or make any student ever feel*
9 *uncomfortable. I truly just wanted to be seen as the "cool teacher" by my*
10 *students. Again, please know that I truly don't offer this information as an*
11 *excuse or justification, I merely want you to have a full picture of the situation. I*
12 *clearly see the errors I committed. I failed to make the jump from a 22-year-old*
13 *immature college student to the professional that I needed to be. I have spent the*
14 *past 5 1/2 weeks reflecting and correcting this mistake with my therapist.*

15
16 *There has never been a time where I have been more embarrassed and*
17 *disappointed in myself. I let my family and friends down, I let the*
18 *administration that took me in down, I let the district down, and I am ashamed*
19 *of allowing my immaturity and desire to be admired to potentially ruin the very*
20 *thing I have worked my entire life for, before it even gets started. I truly and*
21 *sincerely want the opportunity to demonstrate to you that I understand my*
22 *mistakes and that I will use every part of this episode to learn, to grow, and to*
23 *continue to strive to be the educator I have always dreamed of becoming. I can*
24 *say with the utmost confidence that I will never repeat my errors and that I will*
25 *continue to do whatever it takes to prove that this will never happen ever again.*
26 *Please know that my tremendous lapse of judgment is not a reflection of my*
27 *character or ability to educate. I want nothing more than another opportunity*
28 *to continue to work with Portland Public Schools and to demonstrate to you*
29 *who I am as an educator and a person.”*

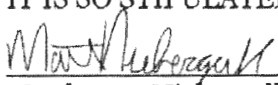
30
31 Upon conclusion of the investigation, PPSD found Niebergall to be in violation of
32 district policy and recommended termination of his employment.

33

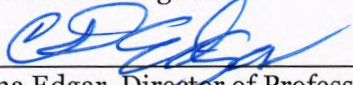
1 Niebergall interviewed with TSPC Investigative staff on March 1, 2023 in the
2 presence of his attorney, Roland Iparraguirre. During the interview Niebergall
3 took responsibility for his actions and reported that he had started student
4 teaching at BMS as part of his required college curriculum and that he had not
5 yet graduated from college. Niebergall reported that he was asked by BMS
6 administration to serve as an emergency long-term substitute teacher. Niebergall
7 reported that he was interviewed by BMS administration for the emergency
8 substitute teacher position and that he was offered the position the same day of
9 his interview and that he was asked to start working as a substitute the following
10 day. Niebergall described the hiring process as "rushed." Niebergall reported that
11 he began teaching without any formal training or experience. Niebergall reported
12 that since he was expected to start working as a substitute teacher the day after
13 he was offered the position, he was rushed to review several online PPSD new-
14 hire trainings in one evening and that he did not recall learning much from them.
15 Niebergall reported that as a 22-year old he is certain that his immaturity and
16 lack of professional judgment will not define his character as a person or
17 compromise his ability to become a caring and committed educator.

18

19 IT IS SO STIPULATED:

20 
21 _____
22 Matthew J. Niebergall Jr.

06/06/23
Date

23 
24 _____
25 Cristina Edgar, Director of Professional Practices
Teacher Standards and Practices Commission

6/6/23
Date

26

27

CONCLUSION OF LAW

28

29

30

31

32

33

34

The conduct described above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*) and OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and conversations at all times*).

