1	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2	OF THE STATE OF OREGON
3	
4	In the Matter of the) DEFAULT ORDER OF DENIAL
5	Teaching License of) OF APPLICATION FOR
6	KIMBERLY RENE HORENSTEIN) REINSTATEMENT OF
7) REVOKED LICENSE
8	
9	On March 3, 2009, the Teacher Standards and Practices Commission (Commission) issued a
10	Notice of Opportunity for Hearing to Kimberly R. Horenstein (Horenstein) in which the Commission
11	denied reinstatement of her teaching license. The Notice was sent via U.S. First Class Mail and U.S.
12	Certified Mail Receipt 7006 2760 0000 1638 5797 to the address on file with the Commission. The
13	certified mail receipt was signed by Horenstein on 3/9/2009. The Notice of Opportunity of Hearing,
14	dated March 3, 2009, and signed by Victoria Chamberlain, Executive Director, stated:
15	
16	You, Kimberly R. Horenstein, are entitled to a hearing on the proposed action of the Commission.
17	If you want a hearing, you must file a written request for a hearing with the Commission within 21
18	days of the date of this notice. Attached to this notice is a copy of the procedures, right of
19	representation and other rights of parties relating to the conduct of a hearing as required under
20	ORS 183.413(2)."
21	
22	Ms. Horenstein did not request a hearing. The Commission, therefore, finds Ms. Horenstein to be
23	in default and enters the following findings of fact, conclusions of law and order, based on the files
24	and records of the Commission concerning this matter.
25	
26	FINDINGS OF FACT
27	1. On August 8, 2007, the Commission revoked Kimberly R. Horenstein's right to apply for a
28	teaching license by entry of a default order. Horenstein's license previously expired on May
29	25, 2007. Revocation of Horenstein's right to apply was based on gross unfitness in
30	connection with sexual relationships she admitted having with two juvenile females.
	,
31	2. Pursuant to ORS 342.175(3); a person whose privilege to apply for a license has been
32	revoked may apply to the Commission for reinstatement of the license or registration after
33	one year from the date of the revocation.
34	3. The Commission considered Horenstein's request for reinstatement of her right to apply on
35 .	February 13, 2009. After considering the information Horenstein provided, along with the
36	Commission's materials leading to revocation of her right to apply, the Commission denies
37	Horenstein's application for reinstatement because she failed to furnish satisfactory evidence
38	of good moral character, mental and physical health, and general fitness to hold an educator
39	license. The facts and circumstances considered by the Commission include the following:
40	a. Horenstein engaged in sexual misconduct with two girls who were approximately12 to
41	13 years old at the time of the sexual misconduct.
12	b. The sexual misconduct with each girl was not isolated. It occurred by Horenstein's
+2 43	own admission multiple times, and involved kissing, oral sex and digital penetration
+3 44	over several months.
77	
45	c. Horenstein was in a position of trust as a swim coach for each of the two girls that she
46	engaged in sexual misconduct with.
	▼ ▼

46

1 2	 d. Horenstein's sexual misconduct did not result in criminal convictions because it was discovered by authorities after the statute of limitations had expired. Horenstein's
3	sexual misconduct otherwise would have constituted one or more mandatory
4	convictions under ORS 342.143(3), for which the Commission would have been
5	required to revoke her license.
6	e. Educators must possess good moral character, and must be trustworthy to have
7 8	unsupervised contact with children of any age. Horenstein's prior sexual misconduct demonstrates that she does not possess good moral character or trustworthiness to
9 10	hold an educator license.
11 12	III. CONCLUSIONS OF LAW
	The information submitted by Me. Havenstein in support of box license years and failed to
13 14	The information submitted by Ms. Horenstein in support of her license renewal failed to establish her fitness to serve as an educator as required by ORS 342.143(2) and OAR 584-050-
15 16	0018(3).
17	IV. REASONING
18	IV. NEASONING
19	Ms. Horenstein requested reinstatement of her teaching license following revocation of her
20	license as the result of an inappropriate relationship with two female students. The Commission has
21	reviewed the information, and finds that Ms. Horenstein has failed to meet the requirements to
22	establish fitness, and has specifically failed to establish one of the conditions set by the Commission.
23	ostablish htticss, and has specifically falled to establish one of the conditions set by the confinission.
24	V. ORDER
25	V. SIIDEII
26	The application for reinstatement of the revoked teaching license of Kimberly R. Horenstein is
27	DENIED.
28	DATED HIS HOUSE AND ADDRESS OF THE PARTY OF
29	DATED this day of lay, 2009.
30 31	TEACHER STANDARDS AND PRACTICES COMMISSION
31	TEACHER STAINDARDS AND PRACTICES COMMISSION
32 33 34 35	By: <u>Ucana Janululain</u> Victoria Chamberlain, Executive Director
36	Victoria Orianiberianii, Executive Director
37 38	NOTICE OF APPEAL OR RIGHTS
39 40 41 42	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

1	CERTIFICATE OF MAILING
2	
3	
4	I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me
5	as such by U.S. First Class Mail and U.S. Certified Mail-Peturn Receipt Requested, addressed
6	to:
7	
8	Kimberly Rene Horenstein
9	5746 NE Going St.
10	Portland, OR 97218
11	
12	10th
13	Dated thisday of May, 2009.
14	
15	
16	
17	By: / look / Janson
18	Melody Hanson, Executive Assistant