BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2	OF THE STATE OF OREGON
3	In the Matter of the Administrative License of FINAL ORDER
5	STEVEN GIERE
6	On October 7 and 8, 1999, the Teacher Standards and Practices Commission
7	(Commission) held a hearing concerning the Oregon Teaching License of Steven Giere and the
8	allegations set forth in the Amended Notice of Hearing dated September 17, 1999. The hearing
9	was held in Salem, Oregon, before a panel of three Commissioners consisting of Charles Sharps
10	Tsukiko Oda-Riddell and Karen Famous. Dr. Sharps served as Chairman of the panel. Joe
11	McKeever, Assistant Attorney General, represented the Commission. James M. Brown,
12	Attorney at Law, represented Mr. Giere. The hearing was held as a contested case matter and
13	was mechanically tape-recorded.
14	The Commission called the following persons as witnesses: Augustus Fennerty, former
15	teacher at Astoria High School; Jamon Kent, Superintendent of Springfield School District; and
16	Dr. Maxine Hoggan. The Commission offered the following exhibits which were received into
17	evidence without objection:
18	9/17/99 Amended Notice of Opportunity for Hearing.
19	10/23/98 letter from Janet Bowler to the Commission.
20	5/31/96 letter from Steven Giere to Dr. Maxine Hoggan.
21	6/3/96 letter from Dr. Hoggan to Steven Giere.
22	6/19/96 letter from Mr. Giere to Dr. Hoggan with attachments.
23	6/24/96 report from Dr. Hoggan.

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1	7/8/96 letter from Mr. Giere to Dr. Hoggan.
2	8/30/96 final plan of assistance.
3	5/29/97 statement from Janet Bowler.
4	Undated notes of Mr. Giere concerning agenda for 6/11/96 meeting.
5	2/18/99 transcribed telephone message from Nancy Hungerford to Susan Nisbet.
6	Mr. Giere called the following persons as witnesses: Ann Samuelson, parent; Nancy
7	Hungerford, Attorney at Law; Len Carpenter, former Superintendent of Astoria School District
8	and Steven Giere. Mr. Giere submitted a letter dated May 30, 1996, from Howard and Ann
9	Lamley which was received into evidence without objection.
10	The panel prepared a proposed order. The Commission has considered Mr. Giere's
11	written exception to the proposed order and oral argument by Ms. Brown. The Commission
12	adopts the proposed order except as modified herein.
13	EVIDENTIARY RULING
14	The panel sustained an objection to exhibits concerning a stipulated final order of the
15	Board of Psychologist Examiners that imposed a public reprimand against Dr. Maxine Hoggan
16	The findings and legal conclusions of the Board of Psychologist Examiners are not relevant to
17	the issues in this case and the charges against Mr. Giere under the Commission's rules.
18	FINDINGS OF FACT
19	1. Mr. Giere has been a licensed educator since 1974. He obtained an
20	Administrative License in 1988, and he became Principal of Astoria High School in 1994.
21	2. Janet Bowler has been a teacher of foreign languages at Astoria High School
22	since about 1976, and Mr. Giere was her supervisor during the 1995-96 school year.
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1	In the winter and spring of 1996, several parents filed complaints against	
2	Mrs. Bowler. Mr. Giere suspected the complaints were due to Mrs. Bowler's problems in	
3	communicating and resolving conflicts with parents. The Commission need not consider to	he
4	validity of the parents' complaints about Mrs. Bowler.	
5	4. On about May 30, parents filed a formal complaint about Mrs. Bowler's tree	atment
6	of their daughter. Mr. Giere scheduled a meeting on June 11 with the parents and Mrs. Bo	wler
7	to discuss the parents' concerns.	
8	5. On May 31, Mr. Giere telephoned Maxine Hoggan, a clinical psychologist	with a
9	private practice in Tillamook, Oregon, and retained Dr. Hoggan to attend the meeting and	to
10	observe the interactions between Mrs. Bowler and the parents. On May 31, Mr. Giere wro	ote a
11	letter confirming his request for Dr. Hoggan's "services as clinical psychologist in a perso	nnel
12	matter with a teacher at our school." His letter further stated:	
13	I would like you to observe the interpersonal dynamics exhibited by both	
14	parties as they attempt to resolves issues. I would be particularly interested in your observing Mrs. Bowler's behavior in the meeting for	
15	any indications or symptoms of human relational dysfunctionality that might be problematic to effective conflict management or resolution.	
16	Following the meeting, I would like you to prepare a report on this for me based on your observations. Your report will provide me with	
17	information that will be helpful in making subsequent decisions of a personnel nature with respect to Mrs. Bowler.	
18	6. One or two days before the June 11 meeting, Mr. Giere met with Mrs. Bow	ler and
19	Augustus Fennerty, the faculty representative for the Astoria Educational Association. The	ıe
20	purpose of the meeting was to prepare for the June 11 meeting with the parents. Mr. Giero	e did
21	not disclose to Mrs. Bowler that Dr. Hoggan had been invited to the June 11 meeting. Mr	S.
22	Bowler suggested she begin the meeting with the parents by informing them that their dau	ghter
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- had earned an "A" in the class because Mrs. Bowler believed this might address many of the
 parents' concerns. Mr. Giere did not object to this suggestion.
 The June 11 meeting was held at the high school with Mr. Giere, Mrs. Bowler,
- Mr. Fennerty, the parents and Dr. Hoggan. Mr. Giere facilitated the meeting. He introduced
 Dr. Hoggan as his personal representative and stated Dr. Hoggan's purpose at the meeting was to
 observe and advise him on conflict resolution procedures at the high school. Mr. Giere did not
 disclose at the meeting his intention to use Dr. Hoggan's observations as a psychologist to assist
 in his evaluation of Mrs. Bowler and his development of a plan of assistance.
- 9 8. When Mrs. Bowler learned that Mr. Giere had retained Dr. Hoggan to prepare a
 10 psychological report to be used in Bowler's evaluation, she filed a grievance with the school
 11 district and complaints to the Psychologist Board of Examiners and the Commission.
- 9. Following the meeting, Mr. Giere wrote a letter to Dr. Hoggan stating his intention to use Dr. Hoggan's report as a basis for a plan of assistance Mr. Giere would write.
- 10. Dr. Hoggan prepared her report on June 24. On August 30, Mr. Giere prepared a
 written plan of assistance which relied heavily on the observations contained in Dr. Hoggan's
 written report.
- 17 Mr. Giere testified at the hearing he initially did not plan to use Dr. Hoggan's
 18 findings and report for purposes of evaluation or preparation of a plan of assistance. He
 19 maintained that his decision to develop a plan of assistance relying on Dr. Hoggan's report did
 20 not come about until after he attended the meeting and observed Mrs. Bowler's shortcomings in
 21 dealing with the parents.
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1	12. On May 15, 1998, Mr. Giere met with Dr. Hoggan's attorney in connection with a
2	complaint filed against Dr. Hoggan with the Psychologist Board of Examiners. During the
3	conversation, Mr. Giere revealed to Dr. Hoggan's attorney that he had not wanted Mrs. Bowler
4	to know the purpose of Dr. Hoggan's presence at the June 11, 1996 meeting.
5	ULTIMATE FINDING OF FACT
6	Mr. Giere did not disclose to Janet Bowler that he had retained Dr. Maxine Hoggan to
7	observe Bowler's interactions at a meeting with parents on June 11, 1996, and Hoggan's
8	observations would be used to develop a plan of assistance for Bowler.
9	CONCLUSION OF LAW
10	Mr. Giere's failure to disclose the purpose of Hoggan's report constitutes a material
11	misrepresentation and gross neglect of duty in violation of OAR 584-020-0040(4)(c).
12	DISCUSSION
13	The function of teacher evaluation is one of the most important professional
14	responsibilities of licensed administrators. This process should be carried out in an open manner
15	The panel concludes Mr. Giere had an obligation to disclose the fact he had retained a
16	psychologist to observe Mrs. Bowler during the meeting with parents.
17	The panel also finds by clear and convincing evidence Mr. Giere intended to use
18	Dr. Hoggan's report for purposes of a plan of assistance at the time he set up the June 11
19	meeting. Giere's intent is indicated by his May 31, 1996 letter to Dr. Hoggan; by his failure to
20	inform Mrs. Bowler in advance that Dr. Hoggan would be present at the meeting, by his failure
21	to follow the strategy for Mrs. Bowler to start off the discussion with parents, and by his
22	statement to Dr. Hoggan's attorney that he did not want Mrs. Bowler to know the reason for
23	Hoggan's presence at the meeting.

1	This order should not be construed as disapproval of the use of outside consultants in
2	evaluation. That practice is specifically permitted under Oregon law. ORS 342.850(2)(c). But
3	there is a fundamental difference between this case and, for example, inviting a professional
4	musician to observe a music teacher's performance at a school concert. In this case, Mr. Giere
5	retained a clinical psychologist to evaluate a teacher for "symptoms of human relational
6	dysfunctionality" without the teacher's knowledge or consent during a private meeting with a
7	student's parents.
8	The Commission concludes that Mrs. Bowler's participation in the meeting could reasonably
9	have been affected if she had been fully informed of the psychologist's role. Had occurred,
10	Mrs. Bowler would likely have sought advice concerning her rights, including whether Mr. Giere
11	had a sufficient basis for seeking a psychological evaluation. If Mr. Giere did have a legal basis to
12	require Mrs. Bowler to undergo a psychological evaluation, the evaluation would likely have been
13	conducted under different protocols, including evaluation in a private clinical setting and safeguards
14	concerning confidentiality and the scope of the examination. Regardless of whether Mr. Giere
15	could have forced Mrs. Bowler to attend the meeting with Dr. Hoggan and the parents, it is likely
16	that her participation would have been different in character and extent if she had known the
17	meeting's true purpose.
18	Based on the foregoing, the panel concludes Mr. Giere violated professional standards
19	and should be issued a public reprimand.
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1	PROPOSED ORDER
2	The Commission issues a public reprimand to Steven Giere and this order shall serve as
3	the public reprimand.
4	DATED this 22 day of November 1999.
5.	TEACHER STANDARDS AND PRACTICES COMMISSION
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7	David My 40
8	By: David V. Myton, Executive Director
9	NOTICE: Mr. Giere is entitled to judicial review of this order. Judicial review may be
10	obtained by filing a petition for review within 60 days of service of this order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.
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