BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 1 2 OF THE STATE OF OREGON In the Matter of the 5 Teaching License of DEFAULT ORDER OF BRETT DAVID FISCHER 6 LICENSE REVOCATION 7 On December 2, 2005, the Teacher Standards and Practices Commission (Commission) 8 issued a Notice of Opportunity for Hearing to Brett David Fischer (Fischer) in which the Commission 10 charged him with misconduct under ORS 342.175. The Notice was sent via U.S. First Class Mail and 11 U.S. Certified Mail Receipt 7005 0390 0005 5794 8651 to the address Mr. Fischer provided to the 12 Commission on his application for licensure. The certified mail receipt was not returned to the 13 Commission. The Notice of Opportunity of Hearing, dated December 2, 2005, and signed by Victoria 14 Chamberlain, Executive Director, stated: 15 "You, Brett David Fischer, are entitled to a hearing on the proposed action of the Commission. If you want a hearing, you must file a written request for a hearing with 16 17 the Commission within 21 days of the date of this notice. Attached to this notice is a 18 copy of the procedures, right of representation and other rights of parties relating to the conduct of a hearing as required under ORS 183.413(2)." 21 Mr. Fischer did not request a hearing. The Commission, therefore, finds 22 Mr. Fischer to be in default and enters the following findings of fact, conclusions of law and 23 order, based on the files and records of the Commission concerning this matter. 24 FINDINGS OF FACT 25 1. The Commission issued a Standard Teaching License to Mr. Fischer on 26 March 20, 2002, valid until April 13, 2007, with a Standard Language Arts Endorsement. 27 2. Mr. Fischer was employed by Centennial School District from August 30, 1995, until 28 resignation, in lieu of termination, effective February 4, 2005. 29 3. A District-owned computer with Internet access was present in Mr. Fischer's classroom for 30 his use in connection with his assigned responsibilities. The District has an acceptable use policy. 31 The District's policy prohibits the use or attempted use of equipment for Internet access of sexually

explicit materials.

1.	4. During the 2004-2005 school year, Mr. Fischer used a district computer to access
	thousands of sexually explicit Internet sites in violation of the District's Internet use policy.
3	5. Beginning in 1997, Mr. Fischer repeatedly failed to maintain professional student-teacher
4	relationships with a number of female students who attended Centennial High School. Mr. Fischer
5	sent them unprofessional notes, contacted the female students at their homes and work places, and
6	gave them gifts.
7	6. On January 27, 2005, the Gresham Police Department contacted US Customs, Homeland
8	Security and reported that Centennial School District found that a teacher had accessed Internet
9	websites from the school computer containing child pornography.
10 11	CONCLUSIONS OF LAW
12	Brett David Fischer's inappropriate use of District computer equipment violated OAR 584-020-
13	0040(4)(a) and OAR 584-020-0040(4)(q). Mr. Fischer's inappropriate contact with students
4	constitutes Gross Neglect of duty in violation of OAR 584-020-0040(4)(f) and OAR 584-020-
	0040(4)(o), as it incorporates OAR 584-020-0035(1)(c). This misconduct constitutes Gross Neglect of
16	Duty. The Commission's authority to impose discipline in this matter is based upon ORS 342.175.
17	ORDER
8	The Commission hereby revokes the Standard Teaching License issued to Brett David
9	Fischer.
20	IT IS SO ORDERED this 30 day of January, 2006.
21	TEACHER STANDARDS AND PRACTICES COMMISSION
22	
23. 24	By: Wand Jambu Kun Victoria Chamberlain, Executive Director
25	NOTICE OF APPEAL OR RIGHTS
26 27	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
28	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.

CERTIFICATE OF MAILING

	I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me
4	as such by U.S. First Class Mail to the Attorney of record for Brett David Fischer:
5	
6	Adam Arms
7	Attorney at Law
8	McKanna
9	1635 NW Johnson Street
0	Portland OR 97209
1	CV Lib
2	$\sqrt{\frac{1}{2}}$
3	Dated this <u>A</u> day of February, 2006.
4	
5	$\mathcal{W}//\mathcal{A}$
6	- Athanan
7	By: Jetody / William
8 9	Melody Hanson Executive Assistant
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