

1 Specifically, the report alleged Harter displayed inappropriate behavior in the
2 presence of a minor aged students over the summer break. On November 7, 2014,
3 a parent of a female Poynter Middle School student, filed a complaint with the
4 district against Harter and requested that her daughter be removed from Harter's
5 class.

6
7 The parent explained that during the summer (on or about August 22, 2014), she
8 and another parent were swimming with their four children (ages 10-15) at an
9 apartment swimming pool. Harter, not previously known to them, appeared at
10 the pool intoxicated. Harter approached the group and attempted to speak with
11 them, but Harter's conversation was slurred, disjointed and confusing due to
12 Harter's level of intoxication. Frustrated with his inability to communicate with
13 the group, Harter went to the opposite end of the pool area and disrobed in
14 public. As the patron and children were attempting to leave the area, Harter
15 again approached them, exposing his genitals in front of the children.

16
17 At the beginning of the school year, one of the female students present at the
18 swimming pool incident was assigned to a class that Harter taught. Discovering
19 that Harter was a teacher and the same person she had encountered at the pool,
20 the student became extremely uncomfortable and requested to be removed from
21 Harter's class. On February 2, 2015, Harter resigned his employment with the
22 Hillsboro School District in lieu of termination.

23 CONCLUSIONS OF LAW

24 Michael Allen Harter engaged in unprofessional conduct as described above. This
25 conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-
26 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR
27 584-020-0030(2)(b) (*Skill in communicating with administrators, students, staff, parents,*
28 *and other patrons*); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-
29 0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and*
30 *conversations at all times*), and OAR 584-020-0035(3)(a) (*Maintain the dignity of the*
31 *profession by respecting and obeying the law, exemplifying personal integrity and*

1 honesty).

2

3 The Commission's authority to impose discipline in this matter is based upon ORS
4 342.175.

5

FINAL ORDER

6

7

8

9

The Commission hereby issues a Public Reprimand upon Michael Allen Harter's Oregon educator license and places Harter on probation for a period of four (4) years from the date of this order. This probation period is subject to the following terms and conditions:

10

11

12

1. Harter shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020.

13

14

15

Violation of any term or condition of probation shall constitute an independent basis for the Commission to revoke Harter's Oregon educator license or otherwise impose discipline, after first providing Harter with notice and opportunity for hearing.

16

17

18

IT IS SO ORDERED THIS 30th day of September, 2016.

19

TEACHER STANDARDS AND PRACTICES COMMISSION

20

21

22

23

24

25

By: Monica Beane
Dr. Monica Beane, Executive Director

NOTICE OF APPEAL OR RIGHTS

26

27

28

29

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.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Michael Allen Harter
1100 Orchard Ave
St. Joseph, MI 49085

Dated this 30th day of September, 2016.

By: Patty Sheldon
Patty Sheldon
Investigative Assistant