1 2	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
3 4 5 6 7 8	In the Matter of the Educator License of MICHAEL ALLEN HARTER  DEFAULT ORDER OF REPRIMAND AND PROBATION
9	On August 17, 2016, the Teacher Standards and Practices Commission (Commission)
10	issued a Notice of Opportunity for Hearing to Michael Allen Harter (Harter) in which the
11	Commission charged him with Gross Neglect of Duty. The Notice was sent via U.S. First
12	Class Mail and U.S. Certified Mail Receipt 7015 3010 0002 3171 1019 to the address on file
13	with the Commission. The Notice designated the Commission file as the record for purposes
14	of proving a prima facie case. The Certified Mail receipt was not returned to the
15	Commission. The first class mail was not returned to the Commission. The Notice of
16	Opportunity of Hearing, dated August 17, 2016, and signed by Dr. Monica Beane, Executive
17	Director, stated:
18 19 20 21 22 23 24	"IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
25 26	Harter did not request a hearing. The Commission, therefore, finds Harter to be in default
27	and enters the following findings of fact, conclusions of law, and final order, based on the
28	files and records of the Commission concerning this matter.
29	FINDINGS OF FACT
30	1. Harter has been licensed by the Commission since July 22, 2002. Harter held an
31	Initial II Teaching License, with an endorsement in Multiple Subjects (MIDLVL),
32	valid from October 28, 2012, through October 27, 2015. Harter also held an
33	Initial Administrator License, with an endorsement in Administrator (ALL LVL),
34	which was valid from February 26, 2007, through October 27, 2010. During all
35	relevant times, Harter was employed by the Hillsboro School District.
36	2. On November 24, 2014, the Commission received a report from the Hillsboro
37	School District alleging Harter had violated professional standards and practices.

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

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

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

## CONCLUSIONS OF LAW

Michael Allen Harter engaged in unprofessional conduct as described above. This conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0030(2)(b) (*Skill in communicating with administrators, students, staff, parents, and other patrons*); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and conversations at all times*), and OAR 584-020-0035(3)(a) (*Maintain the dignity of the 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	The Commission hereby issues a Public Reprimand upon Michael Allen Harter's
7	Oregon educator license and places Harter on probation for a period of four (4) years from
8	the date of this order. This probation period is subject to the following terms and
9	conditions:
10	1. Harter shall comply with the Standards for Competent and Ethical Performance
11	of Oregon Educators under Oregon Administrative Rules Chapter 584, Division
12	020.
13	Violation of any term or condition of probation shall constitute an independent basis
14	for the Commission to revoke Harter's Oregon educator license or otherwise impose
15	discipline, after first providing Harter with notice and opportunity for hearing.
16 17 18	IT IS SO ORDERED THIS day of September, 2016.
19	TEACHER STANDARDS AND PRACTICES COMMISSION
20 21 22 23	By: Monica Beane, Executive Director
24	NOTICE OF APPEAL OR RIGHTS
25 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 \_\_\_\_\_day of September, 2016.

Patty Sheldon

**Investigative Assistant**