

1           BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION  
2   OF THE STATE OF OREGON

3     In the Matter of the    )  
4     Educator License of:   )  
5    )  
6     BRETT ELLEN-ANNE HUTWAGNER                            )  
7    )     STIPULATION OF FACTS AND  
   )     FINAL ORDER OF SUSPENSION  
   )     OF RIGHT TO APPLY AND  
   )     PROBATION

8           On May 5, 2011, the Commission received a report from Portland Public Schools  
9     alleging that Hutwagner may have engaged in conduct constituting Gross Neglect of  
10    Duty.

11          After review of the matters alleged, Hutwagner and the Commission agree that  
12    their respective interests, together with the public interest, are best served by a  
13    stipulation to certain facts and a 3 month suspension of Hutwagner’s right to apply for  
14    teaching license in the State of Oregon, plus a 4 year period of probation. Hutwagner  
15    stipulates that there is sufficient information contained in the Commission’s files to  
16    support the stipulation of facts set forth below.

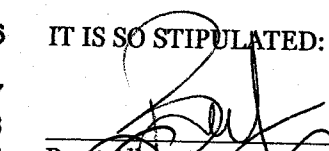
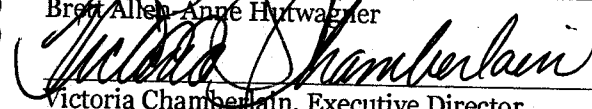
17          By signing below, Hutwagner acknowledges, understands, stipulates, and agrees  
18    to the following: (i) she has been fully advised of her rights to notice and a hearing to  
19    contest the findings of fact, conclusions of law, and order set forth below, and fully and  
20    finally waives all such rights and any rights to appeal or otherwise challenge this  
21    Stipulation of Facts and Final Order of Suspension (Stipulation and Final Order); (ii) this  
22    Stipulation and Final Order is a public document and disclosed to the public upon  
23    request by the Commission; (iii) this Stipulation and Final Order is contingent upon and  
24    subject to approval and adoption by the Commission. If the Commission does not  
25    approve and adopt this Stipulation and Final Order, then neither Hutwagner nor the  
26    Commission are bound by the terms herein; (iv) she has fully read this Stipulation and  
27    Final Order, and understands it completely; (v) she voluntarily, without any force or  
28    duress, enters into this Stipulation and Final Order and consents to issuance and entry of  
29    the Stipulated Final Order below; (vi) she states that no promise or representation has  
30    been made to induce him to sign this Stipulation and Final Order; and (vii) she has  
31    consulted with an attorney regarding this Stipulation and Final Order and has been fully  
32    advised with regard to her rights thereto, or waives any and all rights to consult with an  
33    attorney prior to entering into this Stipulation and Final Order and issuance and entry of  
34    the Stipulated Final Order below.

1 **STIPULATION OF FACTS**

- 2 1. Brett Hutwagner has been licensed since September 14, 2006. She last held an  
3 Initial II Teaching License issued July 27, 2010, with endorsements in Basic  
4 Mathematics (ML), Multiple Subjects (MIDLVL) and Integrated Science (ML), that  
5 expired on July 26, 2013. During all relevant times, Hutwagner were employed by  
6 the Portland Public Schools District.
- 7 2. On or around November 10, 2010, the school district received two patron complaints  
8 alleging that Hutwagner had engaged in inappropriate conduct in the classroom.  
9 District investigation revealed that students complained of Ms. Hutwagner using  
10 derogatory and demeaning terms in class. Investigation also revealed that Ms.  
11 Hutwagner held a class vote to exclude 4 students from participating in a science  
12 project for poor classroom behavior.
- 13 3. After being alerted of the two complaints referenced in paragraph 2, Ms. Hutwagner  
14 requested a substitute teacher to cover her classroom in order to speak to a union  
15 representative. Ms. Hutwagner left her classroom before the substitute arrived,  
16 requiring an administrator to cover her classroom until the substitute arrived.  
17 Neither the administrator nor the substitute found lesson plans or directions for  
18 substituting in the classroom.
- 19 4. On March 17, 2014, Hutwagner encountered a student out of class in the hallway  
20 during class time. When she approached the student at the locker, Hutwagner and  
21 the student touched in a way that made Hutwagner feel uncomfortable. She pushed  
22 the student backward and he stumbled. After this incident Hutwagner was warned  
23 and instructed 'not to put your hands on students.' On April 18, 2011 Hutwagner  
24 was involved in another altercation with a misbehaving student. In this instance,  
25 Hutwagner pushed a chair toward the student, hitting her in the leg. Hutwagner  
26 than grabbed the student by the arms and forced her to sit in the chair. Hutwagner  
27 was issued a letter of reprimand and final warning based for using unreasonable  
28 physical force. Hutwagner was also suspended without pay for five days and was  
29 required to undergo counseling through the employee assistance program.
- 30 5. On or about October 2011, multiple students complained about what they perceived  
31 were racist comments or singling out of minority students in the classroom. The  
32 resulting investigation found that Hutwagner used derogatory terms and made race-  
33 oriented statements that students perceived as being racist.

1 6. Between September 2011 and November 2011, administrators observed that  
2 Hutwagner left her classroom unsupervised by a licensed teacher on four separate  
3 occasions despite prior warnings and instructions not to leave the classroom  
4 unsupervised without a licensed teacher.  
5

6 IT IS SO STIPULATED:

7  
8  
9   
10 \_\_\_\_\_  
11   
12 Victoria Chamberlain, Executive Director  
13 Teacher Standards and Practices Commission

April 30 2014  
Date  
6-19-14  
Date

14 **CONCLUSIONS OF LAW**

- 15 1. By engaging in the conduct in paragraph 2, Hutwagner committed Gross Neglect  
16 of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it  
17 incorporates OAR 584-020-0010(1) (*Recognize the worth and dignity of all*  
18 *persons and respect for each individual*), OAR 584-020-0010(5) (*Use*  
19 *professional judgment*), OAR 584-020-0015(2)(e) (*Skill in the selection and use*  
20 *of teaching techniques conducive to student learning*), OAR 584-020-  
21 0020(2)(d) (*Skill in the supervision of students*); OAR 584-020-  
22 0025(2)(a) (*Establishing and Maintaining classroom management that is*  
23 *conductive to learning*); OAR 584-020-0030(2)(b) (*Skill in communicating with*  
24 *administrators, students, staff, parents, and other patrons*).
- 25 2. By engaging in the conduct in paragraphs 3 and 6, Hutwagner committed Gross  
26 Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it  
27 incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-  
28 0020(2)(d) (*Skill in the supervision of students*), OAR 584-020-  
29 0025(2)(a) (*Establishing and Maintaining classroom management that is*

1           *conductive to learning*); OAR 584-020-0025(2)(e) (*Using district lawful and*  
2           *reasonable rules and regulations*).

- 3       3. By engaging in the conduct in paragraph 4, Hutwagner committed Gross Neglect  
4           of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it  
5           incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-  
6           0020(2)(d) (*Skill in the supervision of students*), OAR 584-020-  
7           0025(2)(e) (*Using district lawful and reasonable rules and regulations*); and  
8           OAR 584-020-0040(4)(d) (*Unreasonable physical force against students, fellow*  
9           *employees, or visitors to the school, except as permitted under ORS 339.250*).
- 10      4. By engaging in the conduct in paragraph 5, Hutwagner committed Gross Neglect  
11           of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it  
12           incorporates OAR 584-020-0010(1) (*Recognize the worth and dignity of all*  
13           *persons and respect for each individual*), OAR 584-020-0010(5) (*Use*  
14           *professional judgment*), OAR 584-020-0015(2)(e) (*Skill in the selection and use*  
15           *of teaching techniques conducive to student learning*), OAR 584-020-0030(2)(b)  
16           (*Skill in communicating with administrators, students, staff, parents, and other*  
17           *patrons*); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-  
18           0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct*  
19           *and conversations at all times*).
- 20      5. The Commission's authority to impose discipline in this matter is based upon  
21           ORS 342.175.


22  
23   **ORDER**

- 24      1. Based on the foregoing, the Commission hereby suspends Mr. Hutwagner's right  
25           to apply for a teaching license for 3 months beginning the date that this order is  
26           signed by the Executive Director below.

- 1        2. The Commission further places Ms. Hutwagner on probation for a period of 4  
2            years beginning the date that she reinstates her suspended license. During the  
3            period of probation, Ms. Hutwagner will be subject Ms. Hutwagner must follow  
4            the standards set by TSPC and state law for Oregon
- 5        3. Violation of any term or condition of probation shall constitute an independent  
6            basis for the Commission to revoke Ms. Hutwagner's teaching license or  
7            otherwise impose discipline, after first providing Ms. Hutwagner with notice and  
8            opportunity for hearing.

9  
10        Issued and dated this 6<sup>th</sup> day of August, 2014.

11        **TEACHER STANDARDS AND PRACTICES COMMISSION**  
12        **STATE OF OREGON**


13        By   
14        Victoria Chamberlain, Executive Director  
15

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Suspension of Right to Apply and Probation, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail – Return Receipt Requested, addressed to:

Brett Ellen-Anne Hutwagner  
11020 SE Harold Street  
Portland, OR 97266-4256

DATED this 14<sup>th</sup> day of August, 2014.

By:   
Patty Liddell  
Investigative Assistant