

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

3                    In the Matter of the                    )                    STIPULATION OF FACTS,  
4                    Teaching License of                    )                    ORDER OF REPRIMAND  
5                    THOMAS FRANKLIN HOFFAR                    )                    AND PROBATION

6                    On or about June 9, 2004, the Teacher Standards and Practices Commission  
7                    (Commission) received a report from Peter M. Tarzian, Superintendent, Falls City School  
8                    District, alleging that Thomas Franklin Hoffar (Hoffar) made inappropriate comments to a female  
9                    student.

10                    After review of the matters alleged, Mr. Hoffar and the Commission agree that their  
11                    respective interests, together with the public interest, are best served by a stipulation to certain  
12                    facts, the imposition of a Public Reprimand and a three (3) year probation. This Order sets forth  
13                    the facts upon which the parties have agreed and the sanction to be imposed. Mr. Hoffar  
14                    stipulates that there are sufficient facts contained in the Commission's files and records to  
15                    support the findings of fact and conclusions of law set forth below. In entering into this  
16                    stipulation, Mr. Hoffar waives the right to a hearing to contest the findings of fact, conclusion of  
17                    law and order set forth below. Mr. Hoffar understands that the probation will be subject to  
18                    specific conditions.

19                    **STIPULATION OF FACTS**

20                    1. The Commission has licensed Thomas Franklin Hoffar since August 16, 1978.  
21                    Mr. Hoffar currently holds a Standard Teaching License valid August 2, 2001, through  
22                    October 1, 2006, with endorsements in Standard General Business Education and Standard  
23                    Social Studies.

24                    2. The Commission received a prior report from Falls City School District on  
25                    November 16, 2001. Mr. Hoffar completed an eight (8) hour social boundaries program with  
26                    Nancy Huppertz in July of 2002. The Commission adopted a resolution to take no further action  
                         on October 11, 2002.

1 3. In May of 2004 a female high school student reported that Mr. Hoffar made  
2 inappropriate comments to her. The student told school administrators that Mr. Hoffar told her  
3 in class that, "The wet hair look really looked nice on her." The student also reported that on an  
4 occasion in which she was wearing a shirt to school with the words "KISS ME" printed on the  
5 front of it Mr. Hoffar made a comment in class similar to, "You really don't want me to kiss you,  
6 do you?"

7 4. Mr. Hoffar began teaching for the Fall City School District in 1978. Mr. Hoffar retired  
8 from Falls City School District effective August 18, 2004.

9 5. Mr. Hoffar recognizes that his comments to this student were inappropriate.

10 Thomas Franklin Hoffar enters into this Stipulation of Facts with the knowledge  
11 that the Teacher Standards and Practices Commission shall place him on probation for a period  
12 of three (3) years. This Stipulation is contingent upon approval and adoption of the Order by the  
13 full Commission. If the Commission does not adopt this Order, neither Mr. Hoffar nor the  
14 Commission are bound by these stipulations and Mr. Hoffar retains the right to a hearing on the  
15 allegations.

16 IT IS SO STIPULATED:

17 Thomas Franklin Hoffar  
18 Thomas Franklin Hoffar

Feb. 17, 05  
Date

19 Victoria Chamberlain  
20 Victoria Chamberlain, Executive Director  
21 Teacher Standards and Practices Commission

2-16-05  
Date

22 **CONCLUSIONS OF LAW**

23 Thomas Franklin Hoffar violated OAR 584-020-0010(5) when he failed to demonstrate a  
24 commitment to use professional judgment in communicating with students. This misconduct  
25 constitutes Gross Neglect of Duty. The Commission's authority to impose discipline in this  
26 matter is based upon ORS 342.175.

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1 **ORDER**

2 The Commission imposes a Public Reprimand on Thomas Franklin Hoffar. This  
3 Stipulation of Facts and Order of Probation constitutes the Reprimand.

4 Furthermore, the Commission imposes a three (3) year probation upon Mr. Hoffar  
5 subject to the following terms and conditions:

6 1. During the first year of probation, Mr. Hoffar shall seek intensive counseling by a  
7 professional acceptable to the Commission to modify his behavior in communicating with  
8 students. The Commission shall furnish a copy of this order to the treatment provider together  
9 with copies of any documents requested by the treatment provider. The treatment provider shall  
10 provide the Commission with an outline for the treatment on or before April 30, 2005;

11 2. On or before March 10, 2006, the treatment provider shall submit to the Commission  
12 a written report attesting that there is a high probability Mr. Hoffar will not repeat his behavior  
13 regarding inappropriate communication with students.

14 3. Mr. Hoffar shall submit to the Executive Director of the Commission annual reports of  
15 compliance with this probation. Mr. Hoffar shall provide these reports on or before March 10,  
16 2006, March 10, 2007 and March 10, 2008. These reports shall contain information regarding  
17 the location of any teaching position held during the year together with a statement indicating  
18 whether or not Mr. Hoffar is aware of any allegation that he has violated a Standard for  
19 Competent and Ethical Performance of Oregon Educators.

20 4. Mr. Hoffar shall comply with all Standards for Competent and Ethical Performance  
21 under Oregon Administrative Rules, Chapter 584, Division 020.

22 If Mr. Hoffar does not comply with his treatment plan based on the reports of his  
23 treatment provider or as otherwise determined by the Executive Director he shall be in violation  
24 of the terms of this probation. Violation of the terms of this probation may constitute an  
25 independent basis for the Commission to impose discipline, up to and including revocation of

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1 Mr. Hoffar's teaching license subject to Mr. Hoffar's right to a hearing on the issue of whether he  
violated probation.

3 IT IS SO ORDERED this 10 day of March, 2005.

4 TEACHER STANDARDS AND PRACTICES COMMISSION

5 By Victoria Chamberlain  
6 Victoria Chamberlain, Executive Director  
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8  
9 Approved as to form:

10 Elizabeth A. Joffe  
11 Elizabeth A. Joffe, OSB # 94027  
12 Attorney for Thomas Franklin Hoffar  
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