

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) FINAL ORDER OF
5 Bart Richard Rothenberger) SUSPENSION
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8 On or about June 21, 2005, the Teacher Standards and Practices Commission
9 (Commission) received a report from W. Rolla Webber, Superintendent, Marcola School District,
10 indicating that Bart Richard Rothenberger (Rothenberger) behaved inappropriately around
11 students and made inappropriate comments to students.

12 After review of the matters alleged, Mr. Rothenberger and the Commission agree that
13 their respective interests, together with the public interest, are best served by a stipulation to
14 certain facts and the imposition of a suspension and probation.

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

1 prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated
2 Final Order below.

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STIPULATION OF FACTS

- 4 1. The Commission has licensed Mr. Rothenberger since May 3, 2004. Mr. Rothenberger
5 holds an Initial I Teaching License, with endorsements in Health Education HS/ML,
6 Multiple Subjects, Middle Level and Physical Education ML/HS valid until June 27, 2011.
- 7 2. Bart Rothenberger began work for the Marcola School District in the 2000-2001 school
8 year as a basketball coach. For the following two years, Rothenberger worked as a
9 basketball coach, custodian and bus driver.
- 10 3. In 2003, Rothenberger obtained an emergency teaching license and was hired to teach
11 part-time and to serve as Athletic Director part-time. He was assigned to teach PE and
12 health. From 2003 to 2007, Rothenberger worked for the Marcola School District in a
13 licensed position. His duties included teaching, coaching, advising the student council,
14 and serving as Athletic Director.
- 15 4. In December, 2004, complaints were filed with the Marcola administration against
16 Rothenberger by students and parents. The complaints concerned use of inappropriate
17 sexual banter and foul language with students and allowing student conversations to
18 continue which Rothenberger should have stopped. Rothenberger admitted to engaging
19 in some sexual banter and foul language with students, to discussing sexual topics, to
20 using swear words on the bus, and to failing to enforce appropriate standards of
21 behavior for himself and for some of his students.
- 22 5. Rothenberger was placed on a plan of assistance from March 2005 to June 2007 as a
23 result of the complaints. The plan required Rothenberger to conduct himself in a
24 professional manner and demonstrate a commitment to recognizing the dignity and
25 worth of all persons. Rothenberger successfully completed the plan of assistance.

1 6. During the TSPC investigation, Rothenberger admitted to making a reference to his
 2 wife's weight problems in his health class, saying to another student that a student's
 3 mother was "hot," calling young males and females "hottie" in front of students, using
 4 potentially offensive nicknames for students, and using foul language at sporting events.
 5 Rothenberger did not contest the allegation that he had referred to his wife liking "rough
 6 sex."

7 IT IS SO STIPULATED:

8 
 9 _____
 10 Bart Richard Rothenberger

4-30-09

 Date

11 
 12 _____
 13 Victoria Chamberlain, Executive Director
 14 Teacher Standards and Practices Commission

5-18-09

 Date

15 CONCLUSION OF LAW

16 Mr. Rothenberger's above described conduct violated OAR 584-020-0040(4)(n) as it
 17 incorporates OAR 584-020-0035(1)(c)(D) (Honoring appropriate adult boundaries with students
 18 in conduct and conversations at all times) and OAR 584-020-0040(4)(n) as it incorporates OAR
 19 594-020-0010(5) (Use professional judgment). This misconduct constitutes Gross Neglect of
 20 Duty. The Commission's authority to impose discipline in this matter is based upon ORS
 21 342.175.

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ORDER

The Initial I Teaching License of Bart Richard Rothenberger is suspended from
May 22, 2009 through August 20, 2009.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: *Victoria Chamberlain* 5-18-09
Victoria Chamberlain, Executive Director

APPROVED AS TO FORM

Barbara J. Diamond, OSB# 850398
Attorney for Bart Richard Rothenberger (Acct ID# 115178)