1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON 2 3 STIPULATION OF FACTS, In the Matter of the SURRENDER AND REVOCATION OF 4 Teaching License of 5 HT TO APPLY FOR LICENSURE TIM LEE NOLAND On or about March 28, 2011, the Teacher Standards and Practices Commission 6 7 (Commission) received information relating to Tim Noland. 8 After review of the matters alleged, Noland and the Commission agree that their 9 respective interests, together with the public interest, are best served by a stipulation to certain facts. Surrender and Revocation of Noland's right to apply for an Oregon Teaching License. 10 11 This document sets forth the facts upon which the parties have agreed and the stipulated 12 sanction to be imposed. Noland stipulates that there is sufficient evidence in the Commission's files and records to support the findings of fact, conclusions of law, and order set forth below. 13 14 By signing below, Noland acknowledges, understands, stipulates, and agrees to the following: (i) he has been fully advised of his rights to notice and a hearing to contest the 15 16 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all 17 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Surrender and Revocation of right to apply for Licensure (Stipulation and Final Order); 18 19 (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject 20 to approval and adoption by the Commission. If the Commission does not approve and adopt 21 22 this Stipulation and Final Order, then neither Noland nor the Commission are bound by the 23 terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final 24 Order and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that 25 no promises or representation has been made to induce him to sign this Stipulation and Final 26 27 Order: and (vii) he has consulted with an attorney regarding this Stipulation and Final Order

1	and has been fully advised with regard to his rights thereto, or waives any and all rights to
2	consult with an attorney prior to entering into this Stipulation and Final Order and issuance and
3	entry of the Stipulated Final Order below. This Order sets forth the facts upon which the parties
4	have agreed and the sanction to be imposed. Noland stipulates that there are sufficient facts
5	contained in the Commission's files and records to support the findings of fact and conclusions
6	of law set forth below. In entering into this stipulation, Noland waives the right to a hearing to
7	contest the findings of fact, conclusions of law and order set forth below.
8	STIPULATION OF FACTS
9	1. The Commission has licensed Tim Lee Noland since July 14, 1982. Noland held a
10	Standard Teaching License issued December 12, 2006, that expired December 11, 2011;
11	with an endorsement in Basic Health Education and Standard Physical Education.
12	During all relevant times Noland was employed by the Vale School District.
13	2. On September 17, 2008, Noland directed a male high school student to do pushups as
14	punishment for in class behavior. While performing the pushups Noland knelt on the
15	student while holding the student's hands behind his back. This caused the student loss
16	of breath and left a visible knot and red mark on his back. Noland's conduct was
17	witnessed by his 5th period PE class.
18	3. Noland subsequently, pled guilty and was convicted of Harassment for this incident.
19	IT IS SO STIPULATED:
20 21	IT IS SO STIPULATED: Tim Lee Noland Date Victoria Chamberlein Executive Director Date
22	Minter Woland (Mancheday) 3-15-13
23	Victoria Chamberlain, Executive Director Teacher Standards and Practices Commission Date
24	Teacher Standards and Practices Commission
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2	Tim Lee Noland used unreasonable force against a student in one of his classes, and his
3	conduct was witnessed by the class. This conduct constitutes gross neglect of duty in violation of
4	ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5)(<i>Use</i>
5	professional judgment), OAR 584-020-0015 (2)(e)(Skill in the selection and use of teaching
6	techniques conducive to student learning); and OAR 584-020-0040(4)(d) (Unreasonable
7	physical force against students, fellow employees, or visitors to the school, except as permitted
8	under ORS 339.250), OAR 584-020-0040(4)(e) (Violent or destructive behavior on school
9	premises or at a school-sponsored activity) and gross unfitness in violation of ORS
10	342.175(1)(c).
11	Noland subsequently pleaded guilty to and was convicted of Harassment for his conduct
12	against a student. This conduct constitutes Gross Unfitness in violation of OAR 584-020-
13	0040(5)(c) (Conviction of violating any federal, state, or local law. A conviction includes any
14	final judgment of conviction by a court whether as the result of guilty plea, no contest plea or
15	any other means), and OAR 584-020-0040(5)(e) (Admission of or engaging in acts
16	constituting criminal conduct, even in the absence of a conviction).
17	The Commission's authority to impose discipline in this matter is based upon ORS
18	342.175.
19	ORDER
20	The Commission adopts the above Stipulation of Facts, accepts the licensure surrender
21	of the Standard Teaching License of Tim Lee Noland, and revokes his right to apply for
22	licensure.
23	IT IS SO ORDERED this 2013.
24	TEACHER STANDARDS AND PRACTICES COMMISSION
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26	By Millour namberlain
27	Victoria Chamberlain, Executive Director