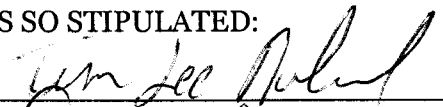


1 and has been fully advised with regard to his rights thereto, or waives any and all rights to
2 consult with an attorney prior to entering into this Stipulation and Final Order and issuance and
3 entry of the Stipulated Final Order below. This Order sets forth the facts upon which the parties
4 have 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 _____
22 Tim Lee Noland

2-8-2013

Date

22 
23 _____
24 Victoria Chamberlain, Executive Director
25 Teacher Standards and Practices Commission

3-15-13

Date

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

CONCLUSION OF LAW

Tim Lee Noland used unreasonable force against a student in one of his classes, and his conduct was witnessed by the class. 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 584-020-0015 (2)(e)(Skill in the selection and use of teaching techniques conducive to student learning); and OAR 584-020-0040(4)(d) (Unreasonable physical force against students, fellow employees, or visitors to the school, except as permitted under ORS 339.250), OAR 584-020-0040(4)(e) (Violent or destructive behavior on school premises or at a school-sponsored activity) and gross unfitness in violation of ORS 342.175(1)(c).

Noland subsequently pleaded guilty to and was convicted of Harassment for his conduct against a student. This conduct constitutes Gross Unfitness in violation of OAR 584-020-0040(5)(c) (Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means), and OAR 584-020-0040(5)(e) (Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction).

The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

ORDER

The Commission adopts the above Stipulation of Facts, accepts the licensure surrender of the Standard Teaching License of Tim Lee Noland, and revokes his right to apply for licensure.

IT IS SO ORDERED this 29th day of April, 2013.

TEACHER STANDARDS AND PRACTICES COMMISSION

By Victoria Chamberlain
Victoria Chamberlain, Executive Director