1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 In the Matter of the STIPULATION OF FACTS AND FINAL ORDER OF REPRIMAND AND Teaching License of:) 5 TERRENCE KIEFER PROBATION 6 On or about September 10, 2008, the Teacher Standards and Practices Commission 7 (Commission) received a report indicating that Mr. Kiefer may have engaged in conduct 8 constituting gross neglect of duty. 9 The Commission charged Mr. Kiefer with gross neglect of duty and issued a Notice of 10 Opportunity for Hearing on March 24, 2009. After review of the matters alleged, Mr. Kiefer and 11 the Commission agree that their respective interests, together with the public interest, are best 12 served by a stipulation to certain facts, the imposition of a public reprimand and probation. 13 This document sets forth the facts upon which the parties have agreed and the 14 stipulated sanction to be imposed. Mr. Kiefer stipulates that there is sufficient evidence in the 15 Commission's files and records to support the findings of fact, conclusions of law, and order set 16 forth below. 17 By signing below, Mr. Kiefer acknowledges, understands, stipulates, and agrees to the 18 following: (i) he has been fully advised of his rights to notice and a hearing to contest the 19 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all 20 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final 21 Order of Reprimand (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public 22 document and disclosed to the public upon request by the Commission; (iii) this Stipulation and 23 Final Order is contingent upon and subject to approval and adoption by the Commission. If the 24 Commission does not approve and adopt this Stipulation and Final Order, then neither Mr. 25 Kiefer nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation 26 and Final Order, and understands it completely; (v) he voluntarily, without any force or duress, 27 enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated

- 1 Final Order below; (vi) he states that no promises or representation has been made to induce 2 him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney 3 regarding this Stipulation and Final Order and has been fully advised with regard to his rights 4 thereto, or waives any and all rights to consult with an attorney prior to entering into this 5 Stipulation and Final Order and issuance and entry of the Stipulated Final Order below. This 6 Order sets forth the facts upon which the parties have agreed and the sanction to be imposed. 7 Mr. Kiefer stipulates that there are sufficient facts contained in the Commission's files and 8 records to support the findings of fact and conclusions of law set forth below. In entering into 9 this stipulation, Mr. Kiefer waives the right to a hearing to contest the findings of fact, 10 conclusions of law and order set forth below. 11 STIPULATION OF FACTS 12 1. The Commission first licensed Mr. Kiefer in June 22, 1978. Mr. Kiefer's current 13 Standard Teaching License is valid through April 10, 2012, with an endorsement in Standard 14 Physical Education. 15 2. During the 2008-2009 school year, Mr. Kiefer was employed at Banks Elementary 16
 - School, Banks, Oregon, as an elementary physical education teacher.

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- 3. On or about September 5, 2008, at the end of a physical education class, Mr. Kiefer pulled a 7 year old male second grade student to the center of the gym floor after the student refused to follow instructions and get in his place in line with the other students. Mr. Kiefer then placed the student on the floor and held him there by putting one hand on the student's chest. The student struggled and screamed to be released, and Mr. Kiefer released him after a period of 10 to 15 seconds.
- 4. Another teacher witnessed Mr. Kiefer pulling the student out of line and holding him on the floor stated that she had been shocked by what she saw of Mr. Kiefer's actions.
- 25 5. On September 8, 2008, the school district suspended Mr. Kiefer without pay for one 26 day.

1	IT IS SO STIPULATED AND AGREED TO:
2 3	Terrence Phillip Kiefer 2-23-10 Terrence Phillip Kiefer Date
4 5 6 7	Terrence Phillip Kiefer Date 3-8-10 Date Victoria Chamberlain, Executive Director Teacher Standards and Practices Commission
8	CONCLUSION OF LAW
9	Mr. Kiefer's conduct described in paragraph 3 above constitutes gross neglect of duty in
10	violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates 584-020-0025(2)(a)
11	(establishing and maintaining classroom management that is conducive to learning); and OAR
12	584-020-040(4)(d)(unreasonable physical force against students, fellow employees, or visitors
13	to the school, except as permitted under ORS 339.250).
14	The Commission has the authority to impose discipline in this matter under ORS
15	342.120 through 342.430 and OAR Chapter 584.
16	FINAL ORDER
17	The Commission adopts and incorporates herein the above finding of facts,
18	conclusions of law, and based thereon, imposes a Public Reprimand on Terrence Phillip Kiefer.
19	This Order shall serve as the Public Reprimand. Mr. Kiefer will be placed on probation for three
20	years beginning with the date this order is issued, subject to the following conditions:
21	1. Mr. Kiefer shall at his own expense obtain an anger management assessment before
22	April 1, 2010;
23	2. Mr. Kiefer shall report in writing within ten days to the Executive Director of the
24	Commission any arrest or citation for any felony, misdemeanor, major traffic violation or criminal
25	probation; and
26	3. Mr. Kiefer shall comply with the Standards for Competent and Ethical Performance of
27	Oregon Educators under Oregon Administrative Rules Chapter 584, Division 020. Violation of

1	any term or condition of probation shall constitute an independent basis for the Commission to
2	revoke Mr. Kiefer's teaching license or otherwise impose discipline, after first providing Mr.
3	Kiefer with notice and opportunity for hearing.
4	Issued and dated this day of February , 2010.
5 6	TEACHER STANDARDS AND PRACTICES COMMISSION STATE OF OREGON
7 8 9	By Wictoria Chamberland, Executive Director

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