1 2 3	BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON
4 5 6	In the Matter of the DEFAULT ORDER OF Educator License of REVOCATION AND REVOCATION OF RIGHT
7 8	KIRK DAVID MYROLD TO APPLY FOR LICENSURE
9	On March 27, 2017, the Teacher Standards and Practices Commission
10	(Commission) issued a Notice of Opportunity for Hearing to Kirk David Myrold
11	(Myrold) in which the Commission charged him with Gross Neglect of Duty and Gross
12	Unfitness. The Notice was sent via U.S. First Class Mail and U.S. Certified Mail Receipt
13	7016 0750 0000 2419 1034 to the address on file with the Commission. The Notice
14	designated the Commission file as the record for purposes of proving a prima facie case.
15	The Certified Mail was returned signed to the Commission on March 31, 2017. The
16	regular first class mail was not returned to the Commission. The Notice of Opportunity
17	of Hearing, dated March 27, 2017, and signed by Monica Beane, Executive Director,
18	stated:
19 20 21 22 23 24 25	"IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER DISCIPLINE."
26 27	Myrold did not request a hearing. The Commission, therefore, finds Myrold to be in
28	default and enters the following findings of fact, conclusions of law, and final order,
29	based on the files and records of the Commission concerning this matter.
30	FINDINGS OF FACT
31	1. Kirk David Myrold has been licensed by the Commission since January 3, 2014.
32	Myrold's Initial I Teaching License, with endorsements in ESOL (MS/HS, ECE/ELE
33	and World Language: Spanish (HS), is valid from August 25, 2014, through August
34	27, 2017. During all relevant times, Myrold was employed by the Dallas School
35	District.

- 2. On September 16, 2016, the Commission received a report from the Dallas School
- 2 District indicating that Myrold was under investigation for possible misconduct,
- including a criminal investigation involving a minor aged student.
- 4 3. On September 12, 2016, Myrold was arrested by the Dallas Oregon Police
- 5 Department, charging Myrold with two counts of Sexual Abuse II, ORS 163.425, a
- 6 class "C" Felony, and Luring a Minor, ORS 167.057 a class "C" Felony. On January
- 7 12, 2017, as part of a plea agreement, Myrold was convicted of Sexual Abuse II, ORS
- 8 163.425, a class "C" Felony. Myrold was sentenced, in part, to 30 days in jail, 60
- 9 months of post-conviction supervision, and required to register as a sex offender.
 - 4. Myrold's criminal charges and subsequent convictions arose from allegations that on or between June 1, 2016 and September 12, 2016, on multiple occasions, Myrold unlawfully and knowingly subjected a minor (student) to sexual contact by kissing and causing her to touch his penis while having been her coach before the

commission of the act(s). Myrold also shared, via text messages explicit descriptions

and narratives of sexual conduct for the purpose of inducing the minor aged student

to engage in sexual conduct.

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CONCLUSIONS OF LAW

Kirk David Myrold's criminal convictions constitute 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); and OAR 584-020-0040(1) (The Commission will deny, revoke or deny the right to apply for a license or charter school registration to any applicant or educator who, has been convicted of any of the crimes listed in ORS 342.143, or the substantial equivalent of any of those crimes if convicted in another jurisdiction), including OAR 584-020-0040(1) (n) (ORS 163.425 –Sexual Abuse in the Second Degree). This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); 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

- state, or local law. A conviction includes any final judgment of conviction by a cour whether as the result of quilty plea, no contest plea or any other means); OAR 584-
- 30 020-0040(5)(d) (Commission of an act listed in OAR 584-020-0040(1); and OAR 584-
- 31 020-0040(5)(e) (Admission of or engaging in acts constituting criminal conduct, even

1	in the absence of a conviction).
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3	Pursuant to ORS 342.175(3) and OAR 584-020-0040(1) the Teacher Standards
4	and Practices Commission must revoke Myrold's license and Myrold's right to apply for
5	a license based on conviction of any of the crimes listed in ORS 342.143(3)(a), or the
6	substantial equivalent of any of those crimes.
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8	Furthermore, the conduct underlying Myrold's indictments and convictions
9	constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
10	0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use professional judgment); OAF
11	584-020-0040(4)(k)(Violation of any rule or order of the Commission); OAR 584-
12	020-0040(4)(f) (Any sexual conduct with a student) as defined by OAR 584-020-
13	0005(5); OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(1)(c)(D)
14	(Honoring appropriate adult boundaries with students in conduct and conversations
15	at all times); and OAR 584-020-0035(3)(a)(Maintain the dignity of the profession by
16	respecting and obeying the law, exemplifying personal integrity and honesty).
17	Additionally, your conviction and conduct related to your conviction constitute "gross
18	unfitness" in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(c) and (d) as
19	defined by OAR 584-020-0040 (5) (Gross unfitness is any conduct which renders an
20	educator unqualified to perform his or her professional responsibilities).
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22	The Commission's authority to impose discipline in this matter is based upon ORS
23	342.175.
24	FINAL ORDER
25	The Commission hereby revokes Kirk David Myrold's Oregon educator license
26	and his right to apply for an Oregon educator license.
27	IT IS SO ORDERED THIS day of June, 2017.
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1	TEACHER STANDARDS AND PRACTICES COMMISSION
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3 4	Morica Beene By:
5	Dr. Monica Beane, Executive Director
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9	NOTICE OF APPEAL OR RIGHTS
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11	YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
12	BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
13	SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
14	ORS 183.482 TO THE OREGON COURT OF APPEALS.