

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.

17 3. On or about September 5, 2008, at the end of a physical education class, Mr. Kiefer
18 pulled a 7 year old male second grade student to the center of the gym floor after the student
19 refused to follow instructions and get in his place in line with the other students. Mr. Kiefer then
20 placed the student on the floor and held him there by putting one hand on the student's chest.
21 The student struggled and screamed to be released, and Mr. Kiefer released him after a period
22 of 10 to 15 seconds.

23 4. Another teacher witnessed Mr. Kiefer pulling the student out of line and holding him
24 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 Terrence Phillip Kiefer
3 Terrence Phillip Kiefer

2-23-10
Date

4 Victoria Chamberlain
5 Victoria Chamberlain, Executive Director
6 Teacher Standards and Practices Commission
7

3-8-10
Date

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 8th March day of ~~February~~, 2010.

5 **TEACHER STANDARDS AND PRACTICES COMMISSION**
6 **STATE OF OREGON**

7 By *Victoria Chamberlain*
8 Victoria Chamberlain, Executive Director
9

10