



1 then neither Kaylor nor the Commission are bound by the terms herein; (iv) she has fully read  
2 this Stipulation and Final Order, and understands it completely; (v) she voluntarily, without any  
3 force or duress, enters into this Stipulation and Final Order and consents to issuance and entry  
4 of the Stipulated Final Order below; (vi) she states that no promises or representation has been  
5 made to induce her to sign this Stipulation and Final Order; and (vii) she has consulted with an  
6 attorney regarding this Stipulation and Final Order and has been fully advised with regard to  
7 her rights thereto, or waives any and all rights to consult with an attorney prior to entering into  
8 this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below. In  
9 entering into this stipulation, Kaylor 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. Kimberly Olan Kaylor has been licensed by the Commission since July 22, 1996. Kaylor's  
13 Standard Teaching License, with an endorsement in Basic Elementary (016), was issued June  
14 1, 2011, and expires on May 31, 2016. During all relevant times, Kaylor was employed by the  
15 Culver School District.
- 16 2. On January 25, 2012, while Kaylor was employed as a teacher at the Culver Middle School,  
17 Kaylor placed her hands on the head of a seventh grade student (TB) without TB's consent.  
18 According to some students, Kaylor usually asks a student for permission before she touches  
19 them. Kaylor explained that she was pretending to open TB's head and place information  
20 inside to emphasize a point to the students in the classroom. Witnesses reported that Kaylor  
21 immediately apologized to TB. TB later reported, while being interviewed, that Kaylor's  
22 conduct caused her pain, left red marks on her forehead, and TB complained of a headache.  
23 TB did not seek or appear to require any medical attention. TB and some of the other  
24 students in the classroom reported they were surprised by Kaylor's behavior, and several  
25 students reported they were uncomfortable returning to Kaylor's classroom. Both the school

1 district's and the Commission's investigations determined Kaylor's use of force on the  
2 involved student to be excessive, inappropriate, and in violation of local policy.  
3 3. In 2009, the Commission received a prior report of Kaylor using unreasonable force against  
4 students. In April, 2009, Kaylor tapped student AA's face with her hand because AA was  
5 being disrespectful to her father. This incident occurred while Kaylor discussed a missing  
6 assignment with AA and her father was present. AA's father witnessed the event and choose  
7 not to press charges. AA reported being shocked but uninjured, and AA did not seek or  
8 appear to require any medical attention. The Commission took no action on the report at the  
9 time, but now considers this incident to be a matter of concern in light of the second (2012)  
10 report of physical contact with a student.  
11 4. As the result of Kaylor's conduct in section two above, Kaylor was charged with one count of  
12 Harassment, a class B misdemeanor. On October 22, 2012, the charge was dismissed as a  
13 result of a civil compromise that required Kaylor to attend a mental health evaluation  
14 followed by any recommended counseling regarding impulse control and sensitivity issues.  
15 Kaylor successfully completed the required evaluation and the evaluator did not recommend  
16 that Kaylor need attend any additional counseling regarding impulse control or sensitivity  
17 issues.

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IT IS SO STIPULATED:

Kimberly Olan Kaylor  
Kimberly Olan Kaylor  
Victoria Chamberlain  
Victoria Chamberlain, Executive Director  
Teacher Standards and Practices Commission

July 28, 2014  
Date  
August 27, 2014  
Date

**CONCLUSION OF LAW**

25  
26 Kimberly Kaylor's conduct described in sections two, three, and four above constitutes  
27 gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it

1 incorporates OAR 584-020-0010(1) (*Recognize the worth and dignity of all persons and*  
2 *respect for each individual*), OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-  
3 020-0025(2)(a) (*Establishing and maintaining classroom management that is conducive to*  
4 *learning*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and*  
5 *regulations*); and OAR 584-020-0040(4)(d) (*Unreasonable physical force against students,*  
6 *fellow employees, or visitors to the school, except as permitted under ORS 339.250*). This  
7 conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-  
8 0040(5)(e) (*Admission of, or engaging in acts constituting criminal conduct, even in the*  
9 *absence of a criminal conviction*). Specifically, Kaylor's conduct constituted Harassment as  
10 defined in ORS 166.065(1)(a).

11

12 The Commission's authority to impose discipline in this matter is based upon ORS  
13 342.175.

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**ORDER**

15 The Commission adopts the above Stipulation of Facts, and revokes Kimberly Kaylor's  
16 Teaching License.

17 IT IS SO ORDERED this 27<sup>th</sup> day of August, 2014.

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TEACHER STANDARDS AND PRACTICES COMMISSION

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By: \_\_\_\_\_



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Victoria Chamberlain, Executive Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Revocation of License, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail — Return Receipt Requested, addressed to:

Kimberly Olan Kaylor  
1140 Carlson Drive  
Klamath Falls, OR 97603-4101

DATED this 8<sup>th</sup> day of September, 2014.

By:



Patty Liddell  
Investigative Assistant