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Teacher Standards & Practices Commission

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BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

3 In the Matter of the) STIPULATION OF FACTS
4 Teaching License of) AND FINAL ORDER OF
5 KRISTOPHER DALE KIZER) REPRIMAND AND PROBATION
6
7

8 On November 4, 2011 and January 9, 2012, the Teacher Standards and Practices
9 Commission (Commission) received report from Grant School District that Mr. Kizer engaged in
10 conduct that may constitute gross neglect of duty.

11 After review of the matters alleged, Mr. Kizer and the Commission agree that their respective
12 interests, together with the public interest, are best served by a stipulation to certain facts and a public
13 reprimand along with a four year period of probation.

14 This document sets forth the facts upon which the parties have agreed and the stipulated
15 sanction to be imposed. Mr. Kizer stipulates that there is sufficient evidence in the Commission's files
16 and records to support the findings of fact, conclusions of law, and order set forth below.

17 By signing below, Mr. Kizer 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 findings of
19 fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any
20 rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Reprimand and
21 Probation(Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and
22 disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is
23 contingent upon and subject to approval and adoption by the Commission. If the Commission does
24 not approve and adopt this Stipulation and Final Order, then neither Mr. Kizer nor the Commission are
25 bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it
26 completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order
27 and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no
28 promises or representation has been made to induce him to sign this Stipulation and Final Order; and
29 (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully

1 advised with regard to his rights thereto, or waives any and all rights to consult with an attorney prior
2 to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order
3 below. By entering into this stipulation, Mr. Kizer waives the right to a hearing to contest the findings
4 of fact, conclusions of law and order set forth below.

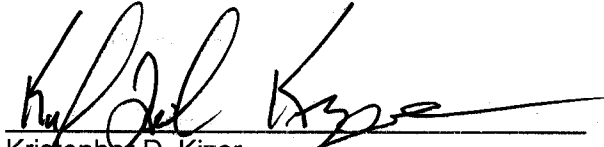
5 **STIPULATION OF FACTS**

- 6 1. Mr. Kizer has been licensed by the Commission since July 14, 2005. Kizer last held an Initial I
7 Teaching License issued May 30, 2010, with an endorsement in Agriculture Science and
8 Technology (HS, PTE), which expired on May 29, 2013. Kizer applied for renewal of his
9 license on April 3, 2013. During all relevant times, Kizer was employed by the Grant School
10 District.
- 11 2. On June 17, 2010, the Commission received a report that Mr. Kizer struck a student with an
12 open hand. An investigation was conducted, and on November 5, 2010, the Commission
13 found insufficient cause to hold a hearing and elected to take no further action regarding the
14 complaint.
- 15 3. On November 14, 2011, the Commission received a new complaint from the Grant School
16 District regarding interactions with student RB. District investigation determined that during a
17 parent / teacher conference, Kizer referred to RB as "lazy" while discussing RB with her
18 parent. RB's parent was offended by the comment and Kizer apologized, explaining that he
19 was joking. The investigation also determined that on or about November 3, 2011, while
20 walking in the hallway in front of student RB, Kizer turned around and struck RB on the
21 forehead with the palm of his open hand, after she had made a noise behind him. Kizer stated
22 that he was joking around with RB. The student was not hurt in the incident. The school
23 district issued Kizer a "Letter of Reprimand" where Kizer was directed not to physically contact
24 any students.
- 25 4. On January 9, 2012, the Commission received an additional report from the Grant School
26 District indicating Kizer had struck a student with a lanyard keychain. The district investigation
27 concluded that during the week of December 5, 2011, Kizer attempted to get a student's

1 attention by swinging his keychain lanyard in the student's direction. As a result, Kizer struck
2 the student in the throat with the keychain, causing her pain and redness in the injured area.
3 Kizer explained that he did not mean for the lanyard to hit the student. This conduct resulted in
4 another "Letter of Reprimand" and a suspension of one day without pay.

- 5 5. Regardless of his intent, Kizer accepts responsibility for his conduct and admits it was
6 inappropriate.

7 **IT IS SO STIPULATED AND AGREED TO:**

8 
9 _____
10 Kristopher D. Kizer

11 11-29-2014
12 Date

13 
14 _____
Victoria Chamberlain, Executive Director
Teacher Standards and Practices Commission

15 1-16-15
16 Date

17 **CONCLUSIONS OF LAW**

- 18 1. By engaging in the conduct in described above, Mr. Kizer engaged in gross neglect of duty in
19 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates, OAR 584-020-
20 0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and*
21 *reasonable rules and regulations*); and OAR 584-020-0040(4)(d) (*Unreasonable physical force*
22 *against students, fellow employees, or visitors to the school, except as permitted under ORS*
23 *339.250*).

24 **FINAL ORDER**

- 25 1. Based on the foregoing, the Commission hereby imposes a Public Reprimand on W.
26 Kristopher Kizer.
27 2. The Commission further places Mr. Kizer on probation for a period of 4 years beginning the
28 date that this order is final. During the period of probation, Mr. Kizer will follow the standards
29 set by TSPC and state law for Oregon.

- 1 3. As part of Mr. Kizer's probation, The Commission further orders Mr. Kizer to complete an
2 intensive boundaries training course (subject to Commission approval) within six months
3 following the execution of this Stipulation and Final Order. Upon completion of the training
4 referred to in this paragraph, Mr. Kizer will promptly submit a compliance report to the
5 Commission.
- 6 4. Violation of any term or condition of probation shall constitute an independent basis for the
7 Commission to revoke Mr. Kizer's teaching license or otherwise impose discipline, after first
8 providing Mr. Kizer with notice and opportunity for hearing.

9
10 Issued and dated this 30th day of January, 2017. *510*

11 **TEACHER STANDARDS AND PRACTICES COMMISSION**
12 **STATE OF OREGON**

13 *Victoria Chamberlain*
14 By _____
15 Victoria Chamberlain, Executive Director

CERTIFICATE OF MAILING

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

Kristopher Dale Kizer
58400 4-K Overlook Lane
John Day, OR 97845-5736

DATED this 13th day of February, 2015.

By: Patty Liddell
Patty Liddell
Investigative Assistant

Certificate of Mailing – Kizer, Kristopher Dale

Data Classification Level: 3 – Confidential
DO: Liddell