

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON
3

4 In the Matter of the Educator) DEFAULT ORDER OF
5 License of) REVOCATION OF RIGHT TO
6 HALEY MICHELLE KAUER) APPLY FOR AN EDUCATOR LICENSE
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9 On May 17, 2013, the Teacher Standards and Practices Commission (Commission)
10 issued a Notice of Opportunity for Hearing to Haley Michelle Kauer (Kauer) in which the
11 Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First
12 Class Mail and U.S. Certified Mail Receipt 7011 2000 0001 1282 3497 to the address on file
13 with the Commission. The Notice designated the Commission file as the record for purposes
14 of proving a prima facie case. The Certified Mail receipt was returned, signed to the
15 Commission on May 21, 2013. The regular mail was not returned to the Commission. The
16 Notice of Opportunity of Hearing, dated May 17, 2013, and signed by Victoria Chamberlain,
17 Executive Director, stated:

18 “IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY
19 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
20 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
21 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING OR IF YOU
22 FAIL TO APPEAR AT A HEARING, THE COMMISSION WILL ADOPT AN ORDER
23 OF DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF
24 YOUR LICENSE OR OTHER DISCIPLINE.”
25

26 Kauer did not request a hearing. The Commission, therefore, finds Kauer to be in default
27 and enters the following findings of fact, conclusions of law, and final order, based on the
28 files and records of the Commission concerning this matter.

29 **FINDINGS OF FACT**

- 30 1. Haley Michelle Kauer made application to the Commission and was approved for her
31 Student Teaching / Practicum on August 31, 2010. Kauer does not currently hold a
32 Teaching License. During all relevant times, Kauer was employed by the McMinnville
33 School District.
- 34 2. On December 21, 2011, the Commission received a complaint from the
35 administration of the McMinnville School District indicating Kauer may have
36 committed acts which constitute gross neglect of duty. Kauer was employed as an
37 Instructional Assistant and scheduled to begin her student teaching in January 2012.

1 An investigation determined that during the time of the 2011-12 school year, Kauer
2 exchanged inappropriate written communications and engaged in inappropriate off
3 campus meetings with a male high school student. Kauer's communications included
4 sending the student text messages, notes, and letters, which were later found by the
5 student's parents. These letters contained inappropriate content that crossed
6 professional boundaries of a student / teacher relationship. Kauer's communications
7 stated in part, "*It is no stretch of the imagination to think that, at this point, you*
8 *have let me in. I'd say that I was 'in' a while ago. You told me that you loved me on*
9 *October 25th for the first REAL time and somewhere around there was when I*
10 *realized how rare that is for you*" and "*So now, here I am, It's about 1:10 in the*
11 *morning and I have officially written the longest note I've ever written to a man I*
12 *kissed yesterday. I still can't believe I did that*" and "*I love you. I will always love*
13 *you. I hold you in my heart, I want you there forever and will do anything to keep*
14 *you*". Kauer told investigators that she had met the student outside of school to go
15 long boarding, had given him hugs and had kissed him. In Kauer's written
16 communications, Kauer describes her love for this student and Kauer's apparent
17 jealousy experienced when she saw the student with any girl other than Kauer.

18 CONCLUSIONS OF LAW

19 Kauer's conduct constitutes gross neglect of duty violation of ORS 342.175(1)(b);
20 OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional*
21 *judgment*); OAR 584-020-0040(4)(o) as is incorporates OAR 584-020-0035(1)(c)(A) (*Not*
22 *demonstrating or expressing professionally inappropriate interest in a student's personal*
23 *life*), OAR 584-020-0035(1)(c)(B) (*Not accepting or giving or exchanging romantic or*
24 *overly personal gifts or notes with a student*), OAR 584-020-0035(1)(c)(D) (*Honoring*
25 *appropriate adult boundaries with students in conduct and conversation at all times*); and
26 OAR 584-020-0040(4)(f) (*Any sexual conduct with a student*). The Commission may rely
27 on the definitions of sexual conduct in ORS 339.370(9) and OAR 584-020-0005(5).
28

29 The Commission's authority to impose discipline in this matter is based upon ORS
30 342.175.

1 **FINAL ORDER**

2 The Commission hereby revokes Haley Michelle Kauer's Right to Apply for an
3 Educator license.

4 IT IS SO ORDERED THIS 22nd day of October, 2013.

5 TEACHER STANDARDS AND PRACTICES COMMISSION



6 By: _____
7 Victoria Chamberlain, Executive Director

8 **NOTICE OF APPEAL OR RIGHTS**

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10
11 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW
12 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM
13 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE
14 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing notice of final order, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail—Return Receipt Requested, addressed to:

Haley Michelle Kauer
723 NW 11th St
Corvallis, OR 97330-6063

Dated this 22nd day of October, 2013.

By: Patty Liddell
Patty Liddell
Investigative Assistant