

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

3 In the Matter of the) STIPULATION OF FACTS AND
4 Educator License of) FINAL ORDER OF SUSPENSION OF
5 KIMBERLEY R. OTTO) RIGHT TO APPLY AND PROBATION

6 On or about November 14, 2011, the Teacher Standards and Practices Commission
7 (Commission) received a report from Greg Thede, Superintendent of the Klamath County School
8 District indicating that Kimberly R. Otto (Otto) violated professional standards by posting
9 inappropriate comments about students on Facebook.

10 Otto fully cooperated with the Commission's investigation in this matter. After review of the
11 matters alleged, Otto and the Commission agree that their respective interests, together with the
12 public interest, are best served by a stipulation to certain facts, the imposition of a thirty (30) day
13 suspension of her right to apply for an educator license, and a two (2) year period of probation to
14 begin upon reinstatement of licensure.

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

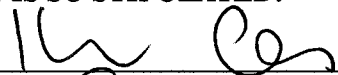
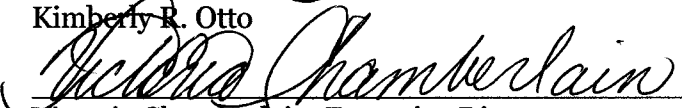
18 By signing below, Otto acknowledges, understands, stipulates, and agrees to the following: (i)
19 she has been fully advised of her rights to notice and a hearing to contest the findings of fact,
20 conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights
21 to appeal or otherwise challenge this Stipulation of Facts and Final Order of Suspension of Right to
22 Apply and Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public
23 document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final
24 Order is contingent upon and subject to approval and adoption by the Commission. If the
25 Commission does not approve and adopt this Stipulation and Final Order, then neither Otto nor the
26 Commission are bound by the terms herein; (iv) she has fully read this Stipulation and Final Order,
27 and understands it completely; (v) she voluntarily, without any force or duress, enters into this
28 Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below;

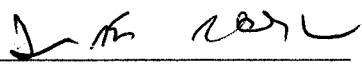
1 (vi) she states that no promises or representation has been made to induce her to sign this Stipulation
2 and Final Order; and (vii) she has consulted with an attorney regarding this Stipulation and Final
3 Order and has been fully advised with regard to her rights thereto, or waives any and all rights to
4 consult with an attorney prior to entering into this Stipulation and Final Order and issuance and entry
5 of the Stipulated Final Order below.

6 **STIPULATION OF FACTS**

- 7 1) The Commission has licensed Otto since August 26, 1999. Otto held an Initial I Teaching License
8 issued April 10, 2010, with an endorsement in Multiple Subjects Self-Contained (ECE, ELE),
9 which expired on February 10, 2014. On February 12, 2014, Otto made application for renewal of
10 her license which was deemed incomplete and unable to process. Otto failed to make her
11 application complete by the established deadline and allowed her license to expire. During all
12 relevant times, Otto was employed by the Klamath County School District.
- 13 2) On November 6, 2011, Otto engaged in inappropriate conversations on the social media website
14 Facebook.com. During this time, Otto's Facebook account included "Friends" who were current
15 and former students of the school in which she taught. Otto's posted conversations included
16 derogatory comments about a current student at Otto's school who had posted on his homepage
17 that he studies at "the lamest school ever: and that he's a "straight up mexicen." Otto's comments
18 criticized the student for his inability to "spell his own heritage" and included profanity, referring
19 to the student as stupid, moron, punk and a wannabe gangster. Otto described this student to such
20 a degree that he could be identified by any student, faculty member, or patron who read Otto's
21 comments. The student in question was not Facebook friends with Otto.

22
23 IT IS SO STIPULATED:

24 
25 _____
26 Kimberly R. Otto
27 
28 _____
Victoria Chamberlain, Executive Director
Teacher Standards and Practices Commission



Date
8-6-14

Date

1 **CONCLUSIONS OF LAW**

2 The above described conduct that Kimberly R. Otto engaged in constitutes gross neglect of
3 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
4 0010(1) (*Recognize the worth and dignity of all persons and respect for each individual*), OAR 584-
5 020-0010(5) (*Use professional judgment*), OAR 584-020-0025(1) (*The competent educator is a*
6 *person who understands students and is able to relate to them in constructive and culturally*
7 *competent ways. The competent educator establishes and maintains good rapport. The competent*
8 *educator maintains and uses records as required, and as needed to assist the growth of students*),
9 OAR 584-020-0030(1) (*The competent educator works effectively with others -- Students, staff,*
10 *parents, and patrons. The competent educator is aware of the ways the community identifies with*
11 *the school, as well as community needs and ways the school program is designed to meet these*
12 *needs. The competent educator can communicate with knowledge, clarity, and judgment about*
13 *educational matters, the school, and the needs of students*), OAR 584-020-0030(2)(b) (*Skill in*
14 *communicating with administrators, students, staff, parents, and other patrons*); OAR 584-020-
15 0040(4)(o) as it incorporates OAR 584-020-0035 (1)(a) and (b) (*The ethical educator, in fulfilling*
16 *obligations to the student, will: Keep the confidence entrusted in the profession as it relates to*
17 *confidential information concerning a student and the student's family; Refrain from exploiting*
18 *professional relationships with any student for personal gain, or in support of persons or issues*),
19 and OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct*
20 *and conversations at all times*).

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

22 **ORDER**

23 The Commission hereby adopts and incorporates herein the above stipulation of facts,
24 conclusions of law, and based thereon hereby imposes a thirty (30) day suspension upon Otto's right
25 to apply for an Oregon educator license as follows:

26 Kimberly R. Otto's right to apply for an Educator License is hereby suspended for thirty (30)
27 days following the adoption of this order.


1 Furthermore, the Commission imposes two (2) years of probation upon Otto to commence
2 upon reinstatement of her license and subject to the following terms and conditions of probation:

3 1. Otto shall comply with the Standards for Competent and Ethical Performance of Oregon
4 Educators under Oregon Administrative Rules Chapter 584, Division 020.

5 Violation of any term or condition of probation shall constitute an independent basis for the
6 Commission to revoke Otto's educator license or otherwise impose discipline, after first providing Otto
7 with notice and opportunity for hearing.

8 IT IS SO ORDERED this 6th day of August, 2014.

9 TEACHER STANDARDS AND PRACTICES COMMISSION

10
11 By: 
12 Victoria Chamberlain, Executive Director

CERTIFICATE OF MAILING

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

Kimberley Rae-Anne Otto
705 Doty Street
Klamath Falls, OR 97601-2464

DATED this 14th day of August, 2014.

By:



Patty Liddell
Investigative Assistant