

TEACHER STANDARDS AND PRACTICES COMMISSION  
OF THE STATE OF OREGON

In the Matter of the )  
Teaching License of )  
ARNOLD LEE KIRKHAM ) FINAL ORDER BY  
 ) DEFAULT  
 )  
\_\_\_\_\_ )

On January 30, 1997, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to Arnold Lee Kirkham. Mr. Kirkham requested a hearing by and through his attorney, Margaret S. Olney, on February 13, 1997. A hearing was scheduled for April 23, 1997.

Pursuant to negotiations, Mr. Kirkham has agreed to withdraw his request for a hearing. In withdrawing his request for a hearing, Mr. Kirkham understands that the Commission will enter an order by default containing the findings of fact and conclusions of law set forth in this order. The Commission finds Mr. Kirkham to be in default and enters this order based on the hearing record which consists of the Commission's files concerning this case.

FINDINGS OF FACT

1. Mr. Kirkham was employed as a teacher by the Modoc Joint Unified School District in Alturas, California, as a high school teacher from approximately August 1985 to July 18, 1995, when he resigned from employment with the district effective June 30, 1995.

2. In October 1994, the Modoc County Sheriff's Department received a complaint that Mr. Kirkham had made inappropriate statements of a sexual nature and had engaged in inappropriate conduct of a sexual nature towards two former female high school students. Officials of the sheriff's department conducted an investigation and prepared a report. No criminal charges were filed against Mr. Kirkham.

3. Based on the allegations of misconduct, the school district conducted an investigation. On March 15, 1995, the school board adopted a resolution formulating charges, notice of intent to dismiss and suspension without pay against Mr. Kirkham. The charges contained allegations that Mr. Kirkham made inappropriate comments of a sexual nature to one high school student and that he made inappropriate comments and engaged in conduct of a sexual nature towards another high school student. As a result, Mr. Kirkham was suspended from his position with the district and subsequently resigned his position pursuant to a Settlement Agreement dated July 18, 1995. Mr. Kirkham has denied any misconduct.

4. On April 20, 1995, Mr. Kirkham signed an application for an Oregon teaching license and submitted this application to the Commission. The application contained a professional educational experience report form. The form was signed by Ronald Huebert as superintendent of the Modoc School District and contained the statement that Mr. Kirkham had successfully served full time as a teacher and athletic director for the school

district up to the current date. The form submitted by Mr. Kirkham contained a misrepresentation in that Mr. Kirkham was not currently serving successfully as a full time teacher with the district because the school board had suspended him and had provided him with notice of intent to dismiss, and because Mr. Kirkham had secured Mr. Huebert's signature to the form knowing that Mr. Huebert on December 8, 1994, had been reassigned by the district and had been relieved of authority to sign on behalf of the district as superintendent.

5. On July 5, 1995, Mr. Kirkham signed and submitted an application for employment with the Molalla River School District. In his application, Mr. Kirkham answered "no" in response to the question: "Have you ever had a report of child abuse or sexual activities involving a K-12 student or minor filed against you with a school district, Children Services Division, a police agency, or a court?" This information was false because a report of child abuse or sexual activity with a student had been made against Mr. Kirkham to the Modoc County Sheriff and the Modoc Joint Unified School District.

6. Mr. Kirkham denies that he was aware of Superintendent Huebert's lack of authority to sign the TSPC form or that there were any inaccuracies in the form. Mr. Kirkham further denies that he was aware that a complaint alleging misconduct with a minor had been filed with the school district or the police. Accordingly, Mr. Kirkham denies that he knowingly falsified either his TSPC or job application.

#### ULTIMATE FINDINGS OF FACT

1. Mr. Kirkham submitted a document to the Commission containing a knowing misrepresentation when he submitted a professional educational experience form containing a statement that Mr. Kirkham was currently successfully serving as a full time teacher with the Modoc Joint Unified School District at a time when Mr. Kirkham was under suspension and containing the signature of a person whom Mr. Kirkham knew to be without authority to sign on behalf of the school district.

2. Mr. Kirkham signed and submitted an application for employment with a school district that contained a knowing misrepresentation that Mr. Kirkham had not had a report of child abuse or sexual activities involving a student or minor filed against him with a school district or a police agency.

#### CONCLUSIONS OF LAW

1. Mr. Kirkham violated OAR 584-20-040(4)(c) when he submitted an application to the Commission containing a knowing misrepresentation.

2. Mr. Kirkham violated OAR 584-20-040(4)(c) when he submitted an employment application to an Oregon school district that contained a knowing misrepresentation.

ORDER

Mr. Kirkham's misrepresentations were substantial and concerned matters directly related to his fitness as a teacher.

The Oregon teaching license of Arnold Lee Kirkham is hereby revoked.

DATED this 15<sup>th</sup> day of July 1997.

TEACHER STANDARDS AND PRACTICES COMMISSION



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David V. Myton, Executive Secretary

NOTICE:

You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within 60 days of the service of this order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.

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