

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

3 In the Matter of the) STIPULATION OF FACTS,
4 Teaching License of) SURRENDER AND FINAL
5 KIMBERLY A. MIHAN) ORDER OF REVOCATION

6 On or about October 6, 2005, the Teacher Standards and Practices Commission
7 (Commission) received a report from Jane Mulholland, Director, Oregon School for the Deaf
8 (OSD) indicating that Kimberly A. Mihan (Mihan) may have engaged in inappropriate conduct
9 with a minor.

10 Ms. Mihan fully cooperated with the Commission's investigation. After review of the
11 matters alleged, Ms. Mihan and the Commission agree that their respective interests, together
12 with the public interest, are best served by a stipulation to certain facts and a surrender of his
13 teaching license pursuant to OAR 584-020-0027.

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

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

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

8 **STIPULATION OF FACTS**

9 1. The Commission has licensed Kimberly A. Mihan since May 27, 2003. Ms. Mihan
10 currently holds an Initial Teaching License valid August 2, 2004, through December 3, 2007,
11 with a Hearing Impaired Endorsement.


12 2. In July of 2005, Ms. Mihan provided a "sidekick pager" to KR, a 14 year old male
13 student, ~~and sent him text messages that were inappropriate and sent at inappropriate times.~~ (R)

14 3. On September 9, 2005, Ms. Mihan undercut the authority of the home by having a co-
15 worker tell KR to meet her at the co-workers home, telling the student's guardian he was going
16 to a football game.

17 IT IS SO STIPULATED:

18 
19 _____
Kimberly A. Mihan

3/12/07
Date

20 
21 _____
Victoria Chamberlain, Executive Director
22 Teacher Standards and Practices Commission

3-20-07
Date

23 **CONCLUSIONS OF LAW**

24 Kimberly A. Mihan failed to maintain a professional student-teacher relationship with KR,
25 a 14 year old male student, at Oregon School for the Deaf during the 2005-2006 school year.
26 This constitutes Gross Neglect of Duty in violation of OAR 584-020-0040(4)(c) as it incorporates
OAR 584-020-0035(1)(c). Ms. Mihan's criminal conviction and criminal conduct constitutes

1 Gross Unfitness as defined in OAR 584-020-0040(5)(c) and OAR 584-020-0040(5)(e). The
2 Commission has authority to impose discipline in this matter under ORS 342.120 through
3 342.430 and OAR Chapter 584.

4 **ORDER**

5 The Commission hereby adopts and incorporates herein the above findings of fact and
6 accepts the surrender of Kimberly A. Mihan's Initial Teaching License and hereby revokes said
7 license.

8 Issued and dated this 20 day of March, 2007.

9 **TEACHER STANDARDS AND PRACTICES COMMISSION**
10 **STATE OF OREGON**

11 By Victoria Chamberlain
12 Victoria Chamberlain, Executive Director
13

14 Approved as to form:

15 Thomas K. Doyle
16 Thomas K. Doyle, OSB #97251
17 Attorney for Kimberly A. Mihan
18

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