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2 2. On October 24, 2022, TSPC received a School District Misconduct Report from  
3 the St. Helens School District. The report alleged that Kester was  
4 watching/listening to pornographic material on his cell phone during a 12<sup>th</sup> grade  
5 social studies class. Multiple students reported hearing a female voice making  
6 sexual moaning sounds coming from his phone. The students reported hearing  
7 the sexual moaning while Kester was looking at his phone during class and  
8 reported that they heard the moaning on at least two (2) separate occasions. The  
9 students reported to school administration that they believed Kester was  
10 watching pornographic videos on his cell phone.

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12 3. According to district records, on October 6, 2022, multiple students from a 12<sup>th</sup>  
13 grade social studies class at the St. Helens High School (SHHS) reported to  
14 school administrators that Kester, their substitute teacher, was watching  
15 pornography videos on his cell phone while in class. Students reported that they  
16 heard pornographic type sounds (female moaning) coming from Kester's phone.  
17 Student witnesses report that Kester was seated in front of the classroom and  
18 stated that they heard the moans at least two times; the moans lasting longer the  
19 second time. After the hearing the moaning a second time, several students went  
20 to the SHHS office and reported what they had witnessed. SHSD administration  
21 spoke to Kester about this matter, and he reported that his ex-wife had sent him a  
22 video of her making moaning noises as a prank. The SHSD terminated Kester  
23 from his position as a substitute with the SHSD.

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25 4. TSPC Investigative Staff mailed Kester a Request to Interview letter on August 8,  
26 2023 by both certified and regular mail, to the address on file with TSPC. Kester  
27 did not respond within the 14 day time limit as required by the letter. TSPC staff  
28 attempted to contact Kester by phone on August 23, 2023 and again on August  
29 24, 2023, but there was no response to the two voicemails left on the phone  
30 number of record that requested that Kester contact TSPC. Additionally, TSPC  
31 staff sent Kester an email to the email address on record with TSPC on August 24,  
32 2023. The email requested that Kester contact TSPC immediately to schedule an

1 interview. As of the writing of this Notice of Hearing (October 23, 2023) Kester  
2 has not responded to any of TSPC's attempts to contact him.

### 3 CONCLUSIONS OF LAW

4 The conduct described in section three (3) above constitutes gross neglect of  
5 duty in violation of ORS 342.175(1)(b); OAR 584-020-0010(5) (*Use professional*  
6 *judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules*  
7 *and regulations*).

8 The conduct described in section four (4) above constitutes gross neglect of  
9 duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as incorporates  
10 OAR 584-020-0010(5) (*Use professional judgment*), and OAR 584-020-0040(4)(p)  
11 (*Subject to the exercise of any legal right or privilege, failure or refusal by an*  
12 *educator under investigation to respond to request for information, to furnish or to*  
13 *participate in interviews with a Commission representative relating to a*  
14 *Commission investigation*).


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16 The Commission's authority to impose discipline in this matter is based upon ORS  
17 342.175.

### FINAL ORDER

18 The Commission hereby issues a public reprimand upon Kenneth W. Kester's  
19 Educator licensure.

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21 IT IS SO ORDERED THIS 1 day of December, 2023.

22 TEACHER STANDARDS AND PRACTICES COMMISSION

23 By:  \_\_\_\_\_  
24 Melissa Goff, Executive Director  
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### 26 NOTICE OF APPEAL OR RIGHTS

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28 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW  
29 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM  
30 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE  
31 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.