

1 Stipulated Final Order below; (vi) he states that no promises or representation has been made
2 to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney
3 regarding this Stipulation and Final Order and has been fully advised with regard to his rights
4 thereto, or waives any and all rights to consult with an attorney prior to entering into this
5 Stipulation and Final Order and issuance and entry of the Stipulated Final Order below. This
6 Order sets forth the facts upon which the parties have agreed and the sanction to be imposed.
7 Mr. Kendrick stipulates that there are sufficient facts contained in the Commission's files and
8 records to support the findings of fact and conclusions of law set forth below. In entering into
9 this stipulation, Mr. Kendrick waives the right to a hearing to contest the findings of fact,
10 conclusions of law and order set forth below.

11 **STIPULATION OF FACTS**

12 1. The Commission first licensed Mr. Kendrick in July, 1984. Mr. Kendrick's current
13 Basic Teaching License, with an endorsement in Basic Music, was valid May 13, 2006 through
14 May 12, 2009. Mr. Kendrick timely filed his application for renewal on May 4, 2009 and that
15 application is pending.

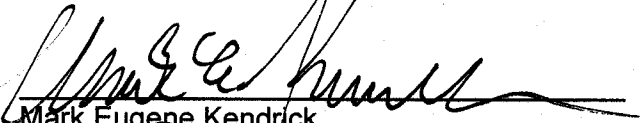
16 2. At all relevant times, Mr. Kendrick was employed as a music teacher by the North
17 Wasco County School District in The Dalles, Oregon. During the 2007-2008 school year Mr.
18 Kendrick taught music at Chenoweth and Dry Hollow Elementary School. During the 2008-2009
19 school year Mr. Kendrick taught music at Dry Hollow Elementary School.

20 3. On or about December 6, 2007, Mr. Kendrick pursued a first grade student, TJ, into a
21 hallway after TJ refused to get in line in the classroom. When Mr. Kendrick reached TJ he
22 picked him up, carried him to a wall, and told him to sit down. When TJ refused to sit down, Mr.
23 Kendrick caused him to sit down abruptly when he contacted TJ's foot with his own. As he sat
24 down, TJ's head hit the wall hard enough to make him cry.


25 4. On or about December 10, 2008, while attending a Wahtonka High School girl's
26 varsity basketball game, Mr. Kendrick became upset when his daughter was injured while
27 playing in the game and approached the sidelines of the court to check on his daughter's

1 condition. As he passed an official who had made a call against his daughter, he flipped him
2 off. Mr. Kendrick attempted to remain on the sidelines with his daughter, but the school's
3 athletic director refused to let him stay and led him out of the gym. As he was leaving the gym
4 Mr. Kendrick flipped off the officials with both hands behind his back, in plain view of spectators.

5 **IT IS SO STIPULATED AND AGREED TO:**

6
7 
8 Mark Eugene Kendrick

10/27/09
Date

9
10 
11 Victoria Chamberlain, Executive Director
12 Teacher Standards and Practices Commission

11-09-09
Date

13 **CONCLUSIONS OF LAW**

14 1. Mr. Kendrick's conduct described in paragraph 3 constitutes gross neglect of duty in
15 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates 584-020-
16 0010(1)(recognize the worth and dignity of all persons and respect for each individual); OAR
17 584-020-0040(4)(n) as it incorporates 584-020-0010(5)(use professional judgment); OAR 584-
18 020-040(4)(d)(unreasonable physical force against students, fellow employees, or visitors to the
19 school, except as permitted under ORS 339.250); and OAR 584-020-0040(4)(n) as it
20 incorporates OAR 584-020-0025(2)(a)(establishing and maintaining classroom management
21 that is conducive to learning).

22 2. Mr. Kendrick's conduct described in paragraph 4 constitutes gross neglect of duty in
23 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates 584-020-
24 0010(1)(recognize the worth and dignity of all persons and respect for each individual); OAR
25 584-020-0040(4)(n) as it incorporates 584-020-0010(5)(use professional judgment); and OAR
26 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (maintain the dignity of the
27 profession by respecting and obeying the law, exemplifying personal integrity and honesty).

28 The Commission has the authority to impose discipline in this matter under ORS
29 342.120 through 342.430 and OAR Chapter 584.

1 **FINAL ORDER**

2 The Commission adopts and incorporates herein the above finding of facts,
3 conclusions of law, and based thereon, imposes a Public Reprimand on Mark Eugene Kendrick.
4 This Order shall serve as the Public Reprimand.

5 Issued and dated this 9th day of November, 2009.

6 **TEACHER STANDARDS AND PRACTICES COMMISSION**
7 **STATE OF OREGON**

8 By 
9
10 Victoria Chamberlain, Executive Director