1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 In the Matter of the 4 Teaching License of: STIPULATION OF FACTS AND 5 MARK EUGENE KENDRICK FINAL ORDER OF REPRIMAND 6 On or about January 16, 2008, and again on January 20, 2009, the Teacher Standards 7 and Practices Commission (Commission) received a report indicating that Mr. Kendrick may 8 have engaged in conduct constituting gross neglect of duty. 9 The Commission issued a Notice of Opportunity for Hearing on March 20, 2009, and an 10 Amended Notice on July 1, 2009, charging Mr. Kendrick with gross neglect of duty for both 11 reported incidents. After review of the matters alleged, Mr. Kendrick and the Commission agree 12 that their respective interests, together with the public interest, are best served by a stipulation 13 to certain facts and a public reprimand. 14 This document sets forth the facts upon which the parties have agreed and the 15 stipulated sanction to be imposed. Mr. Kendrick 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, Mr. Kendrick acknowledges, understands, stipulates, and agrees to 19 the following: (i) he has been fully advised of his 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 and Final 22 Order of Reprimand (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 24 Final 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 Mr. 26 Kendrick nor the Commission are bound by the terms herein; (iv) he has fully read this 27 Stipulation and Final Order, and understands it completely: (v) he voluntarily, without any force 28 or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the

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

STIPULATION OF FACTS

- 1. The Commission first licensed Mr. Kendrick in July, 1984. Mr. Kendrick's current Basic Teaching License, with an endorsement in Basic Music, was valid May 13, 2006 through May 12, 2009. Mr. Kendrick timely filed his application for renewal on May 4, 2009 and that application is pending.
- 2. At all relevant times, Mr. Kendrick was employed as a music teacher by the North Wasco County School District in The Dalles, Oregon. During the 2007-2008 school year Mr. Kendrick taught music at Chenowith and Dry Hollow Elementary School. During the 2008-2009 school year Mr. Kendrick taught music at Dry Hollow Elementary School.
- 3. On or about December 6, 2007, Mr. Kendrick pursued a first grade student, TJ, into a hallway after TJ refused to get in line in the classroom. When Mr. Kendrick reached TJ he picked him up, carried him to a wall, and told him to sit down. When TJ refused to sit down, Mr. Kendrick caused him to sit down abruptly when he contacted TJ's foot with his own. As he sat down, TJ's head hit the wall hard enough to make him cry.
- 4. On or about December 10, 2008, while attending a Wahtonka High School girl's varsity basketball game, Mr. Kendrick became upset when his daughter was injured while playing in the game and approached the sidelines of the court to check on his daughter's Page 2 STIPULATION OF FACTS AND FINAL ORDER OF REPRIMAND KENDRICK

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	01000
7 8	Mark Eugene Kendrick 10/27/09 Date
9 10 11 12	Victoria Chamberlain, Executive Director 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.
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1 **FINAL ORDER** 2 The Commission adopts and incorporates herein the above finding of facts, conclusions of law, and based thereon, imposes a Public Reprimand on Mark Eugene Kendrick. 3 4 This Order shall serve as the Public Reprimand. Issued and dated this day of November, 2009. 5 6 TEACHER STANDARDS AND PRACTICES COMMISSION 7 STATE OF OREGON 8 9 Victoria Chambellain, Executive Director 10

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