1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 STIPULATION OF FACTS AND In the Matter of the FINAL ORDER OF REPRIMAND 4 Teaching License of:) 5 MARK S. SHOFF 6 On or about March 2, 2009, the Teacher Standards and Practices Commission 7 (Commission) received a report indicating that Mr. Shoff may have engaged in conduct 8 constituting gross neglect of duty. 9 The Commission charged Mr. Shoff with gross neglect of duty and issued a Notice of Opportunity for Hearing on March 18, 2010. After review of the matters alleged, Mr. Shoff and 10 the Commission agree that their respective interests, together with the public interest, are best 11 12 served by a stipulation to certain facts and the imposition of a public reprimand. This document sets forth the facts upon which the parties have agreed and the 13 stipulated sanction to be imposed. Mr. Shoff stipulates that there is sufficient evidence in the 14 Commission's files and records to support the findings of fact, conclusions of law, and order set 15 16 forth below. By signing below, Mr. Shoff acknowledges, understands, stipulates, and agrees to the 17 following: (i) he has been fully advised of his rights to notice and a hearing to contest the 18 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all 19 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final 20 Order of Reprimand (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public 21 document and disclosed to the public upon request by the Commission; (iii) this Stipulation and 22 Final Order is contingent upon and subject to approval and adoption by the Commission. If the 23 Commission does not approve and adopt this Stipulation and Final Order, then neither Mr. Shoff 24 nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and 25 Final Order, and understands it completely; (v) he voluntarily, without any force or duress, 26 enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated

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1	Final Order below; (vi) he states that no promises or representation have been made to induce
2	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.
6	STIPULATION OF FACTS
7	1. The Commission first licensed Mr. Shoff on August 27, 1980. Mr. Shoff's current
8	Standard Teaching License, with an endorsement in Basic Physical Education and Standard
9	Health Education for grades 5-12 is valid through August 18, 2013.
10	2. Mr. Shoff was employed as a high school teacher in the Lake Oswego School District
11	during all relevant times herein.
12	3. On or about June 10, 2009, Mr. Shoff, in response to being hit in the head by a ball
13	thrown by a student during his physical education class, disciplined the male student he thought
14	had thrown the ball by making him do push-ups. While the student was doing push-ups, Mr.
15	Shoff placed his foot on the student's back and pushed the student down to make him do the
16	push-ups correctly. As the student completed the push-ups Mr. Shoff hit the student on the
17	back of his head with the ball.
18	IT IS SO STIPULATED AND AGREED TO:
19 20	Mark S. Shoff Date Date
21 22 23 24	Victoria Chamberlain, Executive Director Teacher Standards and Practices Commission 11-5-10 Date
25 26 27	

7	CONCLUSIONS OF LAW
2	Mr. Shoff's conduct described in paragraph 3 above constitutes gross neglect of duty in
3	violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates 584-020-0010(5)(a
4	(use of professional judgment); and OAR 584-020-0040(4)(d) (Unreasonable physical force
5	against a student).
6	The Commission has the authority to impose discipline in this matter under ORS
7	342.120 through 342.430 and OAR Chapter 584.
8	FINAL ORDER
9	The Commission adopts and incorporates herein the above finding of facts and
10	conclusions of law, and based thereon, imposes a Public Reprimand on Mark S. Shoff. This
11	Order shall serve as the Public Reprimand.
12	Issued and dated this 5th day of October, 2010.
13 14	TEACHER STANDARDS AND PRACTICES COMMISSION STATE OF OREGON
15 16 17	Bx War Amberlain Victoria Chamberlain, Executive Director
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