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

In the Matter of the) STIPULATION OF FACTS AND
Educator License of) FINAL ORDER OF REPRIMAND
MARK ANDREW HOPFER) AND PROBATION

On June 15, 2011, the Teacher Standards and Practices Commission (Commission) received a report from the Douglas County School District alleging professional misconduct on the part of licensed educator, Mark Andrew Hopfer (Hopfer).

After review of the matters alleged, Hopfer and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the imposition of a public reprimand and two year probation period.

By signing below, Hopfer acknowledges, understands, stipulates, and agrees to the following: (i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Reprimand and Probation (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Hopfer nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no promise 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.

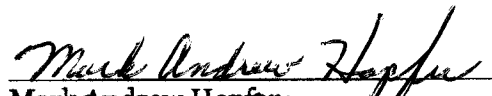
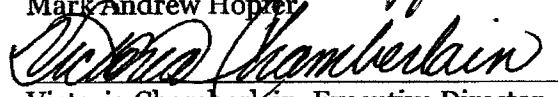
STIPULATION OF FACTS

1. Mark Andrew Hopfer has been licensed by the Commission since July 1, 1973. Hopfer's Standard Teaching License, with endorsements in Basic Biology 020 and Standard Agricultural Science 024, was issued on October 25, 2009, and expires on October 24,

1 2014. During all relevant times, Hopfer was employed by the Douglas County School
 2 District.
 3 2. On May 9, 2011, Hopfer and another teacher, Brian Arp, shared a classroom. While
 4 Hopfer was out of the classroom, Arp gave several students permission to use his and
 5 Hopfer's computers and related work space to access the internet. When Hopfer returned
 6 to the classroom, he became upset with student KH who was seated in his chair.
 7 According to other students and Arp, Hopfer began to yell at KH. Other students and Arp
 8 described Hopfer as being intense and angry. According to the student, Hopfer
 9 approached KH and swatted her on her shoulder with the back of his hand causing the
 10 skin to turn red. Hopfer continued to berate KH for nearly two minutes until another
 11 student, MY, stepped between them and told Hopfer to stop bullying KH.
 12 3. Hopfer denies he was out of control or angry. Hopfer admits that he did have physical
 13 contact with KH using his hand but only to guide her out of his chair, and his contact was
 14 not intended as a strike or assault of any sort. Hopfer states he did not yell at KH for two
 15 minutes, but he did have a long conversation with student MY. Hopfer has since retired
 16 from the Douglas County School District.

17

18 IT IS SO STIPULATED:

19		<u>6/26/13</u>
20	Mark Andrew Hopfer	Date
21		<u>6-25-13</u>
22	Victoria Chamberlain, Executive Director	Date
23	Teacher Standards and Practices Commission	

26 **CONCLUSION OF LAW**

27 Mark Andrew Hopfer yelled at a student or students in front of other students
 28 and another educator. Hopfer, while angrily yelling, physically swatted a student upon
 29 her shoulder with his hand causing redness on the student's skin. This conduct
 30 constitutes gross neglect of duty in violation of ORS 342.175 (1)(b); OAR 584-020-
 31 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR
 32 584-020-0020(2)(d) (*Skill in the supervision of students*), OAR 584-020-

1 0025(2)(e)(Using district lawful and reasonable rules and regulations), OAR 584-020-
2 0030(2)(b) (Skill in communicating with administrators, students, staff, parents, and
3 other patrons); and OAR 584-020-0040(4)(d) (Unreasonable physical force against
4 students, fellow employees, or visitors to the school, except as permitted under ORS
5 339.250).

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

8 **ORDER**

9 Based on the foregoing, the Commission hereby orders as follows:

- 10 1. The Commission adopts and incorporates herein the above findings of fact and
11 conclusions of law, and based thereon, imposes a Public Reprimand on Mark
12 Andrew Hopfer's Educator License(s);
- 13 2. Hopfer is hereby placed on probation for a period of two (2) years from the date
14 this order is signed by the Commission subject to the following conditions:
- 15 a. Within six (6) months of this order, Hopfer will submit documentation
16 that he has completed a Commission approved Anger Management
17 Course / Training.
- 18 b. Hopfer shall comply with the Standards for Competent and Ethical
19 Performance of Oregon Educators under Oregon Administrative Rules
20 Chapter 584, Division 020.

21 Issued and dated this 26th day of July, 2013.

22 **TEACHER STANDARDS AND PRACTICES COMMISSION**
23 **STATE OF OREGON**

24 By Victoria Chamberlain
25 Victoria Chamberlain, Executive Director
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