

FINDING OF FACT

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2 1. The Commission has licensed Kinder since December 7, 2007. Kinder currently
3 holds a Preliminary Teaching License, with an endorsement in Art (PK-12) valid
4 from August 9, 2022, through August 16, 2025. During all relevant times, Kinder
5 was employed by the Bend-La Pine School District (BLSD).
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- 7 2. On June 29, 2023, the Commission received a School District Misconduct Report
8 from the BLSD indicating Kinder may have committed acts which constitute
9 gross neglect of duty and / or gross unfitness. The report alleged Kinder offered a
10 fifteen-year-old BLSD student marijuana and mushrooms, that Kinder was under
11 the influence of an intoxicant (alcohol) at school, that Kinder left students
12 unattended at school, and that Kinder disregarded a directive to not
13 communicate with students while under investigation.
14
- 15 3. According to BLSD records, on February 2, 2023, while skiing at Hoodoo Ski
16 Area, Kinder identified himself as a BLSD pottery instructor to a fifteen-year-old
17 male BLSD student and offered the student a “hit” of marijuana from a vape pen
18 and some hallucinogenic mushrooms.
19
- 20 4. Investigation found that on or around February 10, 2023, Kinder was late to work
21 arriving just before class began at 8:45 AM. Kinder was observed to have smelled
22 of alcohol, had slurred speech, and was oversharing about drinking the previous
23 night and shared that he was “*an alcoholic*”. It was reported Kinder told a co-
24 worker that he was out “drinking” until 1:00 AM the night prior. At around 9:30
25 AM Summit High School Principal, Michael McDonald, contacted Kinder in his
26 classroom and observed Kinder having difficulty forming words. Additionally,
27 McDonald observed that Kinder smelled of alcohol. McDonald left to contact the
28 school resource police officer at which point Kinder told the class a substitute
29 teacher was enroute at 9:30 AM and then left his classroom unattended.
30 McDonald returned to find Kinder’s classroom unattended by staff at around
31 10:00 AM. McDonald located Kinder at a nearby park and Kinder admitted to
32 struggling with alcohol, and that Kinder left his class unattended. It was reported

1 Kinder refused to answer any other questions and refused to be transported to
2 the hospital.

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4 5. Investigation also found that on February 10, 2023, Kinder was advised of an
5 ongoing BLSD investigation and was instructed to refrain from communicating
6 with any students. In the following days, Kinder spoke to two to three (2-3)
7 students in person about the incidents and text messaged an additional four to
8 seven (4-7) students about the incidents. During the BLSD investigation, Kinder
9 admitted to talking to at least one student and disobeying the directive given to
10 him by McDonald on February 10, 2023.

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12 6. Commission investigation additionally found that on November 9, 2023, Kinder
13 was mailed Certified Mail and First-class Mail a letter requesting Kinder
14 participate in a Commission interview. The First-class letter was not returned.
15 The Certified Mail letter was returned to Commission staff on December 11, 2023,
16 after it was unclaimed. Commission staff had previously sent Kinder a notice of
17 investigation in July 2023, (to the same address) and Kinder completed the
18 Certified Mail return receipt in early August 2023. On December 18, 2023,
19 Commission staff attempted to contact Kinder via email with the same letters. To
20 date, the Commission has not received a response from Kinder to indicate
21 cooperation with investigation.

22 23 **CONCLUSIONS OF LAW**

24 By engaging in the above conduct in paragraph three (3), Kinder engaged in gross
25 neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it
26 incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-
27 0020(2)(d) (*Skill in the supervision of students*); 584-020-0030((2)(b)(*Skill in*
28 *communicating with administrators, students, staff, parents, and other patrons*);
29 *and OAR 584-020-0040(4)(o) as incorporates OAR 584-020-0035(1)(D)*
30 *(Honoring appropriate adult boundaries with students in conduct and*
31 *conversation at all times).*

32 The conduct described above in paragraph four (4) constitutes gross neglect of

1 duty in violation of *ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates*
2 *OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-0025(2)(e)*
3 *(Using district lawful and reasonable rules and regulations) OAR 584-020-*
4 *0020(2)(d) (Skill in the supervision of students), and OAR 584-020-0025(1)(a)*
5 *(Establishing and maintaining classroom management that is conducive to*
6 *learning).; and OAR 584-020-0040(4)(g) (Appearing on duty or at any district-*
7 *sponsored activity while under the influence of alcohol or any controlled*
8 *substance).*

9 By engaging in the above conduct in paragraph five (5), Kinder engaged in gross
10 neglect of duty in violation of *ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it*
11 *incorporates OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-*
12 *0025(2)(e) (Using district lawful and reasonable rules and regulations), 584-020-*
13 *0030((2)(b)(Skill in communicating with administrators, students, staff, parents,*
14 *and other patrons); and OAR 584-020-0040(4)(o) as in incorporates OAR 584-*
15 *020-0035(1)(D) (Honoring appropriate adult boundaries with students in conduct*
16 *and conversation at all times).*

17 The conduct described above in paragraph six (6) constitutes gross neglect of
18 duty in violation of *ORS 342.175(1)(b); OAR 584-020-0040(4)(p) (Subject to the*
19 *exercise of any legal right or privilege, failure or refusal by an educator under*
20 *investigation to respond to requests for information, to furnish documents or to*
21 *participate in interviews with a Commission representative relating to a*
22 *Commission investigation).*

23
24 The Commission's authority to impose discipline in this matter is based
25 upon ORS 342.175.

26 **FINAL ORDER**

27 The Commission accepts Kinder's failure to cooperate with the Commission as
28 not contesting this matter and the Commission will proceed with a Default Order and
29 hereby revokes Kinder's teaching license with the condition that Kinder completes a
30 Commission-approved Drug and Alcohol evaluation prior to consideration of any

1 application for reinstatement.

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3 IT IS SO ORDERED THIS 12 day of September 2024.

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TEACHER STANDARDS AND PRACTICES COMMISSION

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A handwritten signature in black ink, appearing to read 'Melissa Goff', is written over a light pink rectangular background.

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By: _____
Melissa Goff, Interim Executive Director

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NOTICE OF APPEAL OR RIGHTS

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