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# SUPERINTENDENT OF PUBLIC INSTRUCTION

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**Randy I. Dorn** Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

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RE: Todd Bender  
OSPI Case No.: D14-12-091  
Document: Final Order of Mandatory Permanent Revocation

Regarding your request for information about the above-named educator; attached is a true and correct copy of the document on file with the State of Washington, Office of Superintendent of Public Instruction, Office of Professional Practices. These records are considered certified by the Office of Superintendent of Public Instruction.

Certain information may have been redacted pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was redacted, if any, please contact:

OSPI Public Records Office  
P.O. Box 47200  
Olympia, WA 98504-7200  
Phone: (360) 725-6372  
Email: [PublicRecordsRequest@k12.wa.us](mailto:PublicRecordsRequest@k12.wa.us)

You may appeal the decision to withhold or redact any information by writing to the Superintendent of Public Instruction, OSPI P.O. Box 47200, Olympia, WA 98504-7200.



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IN THE MATTER OF THE EDUCATION	)	
CERTIFICATE OF	)	OPP No. D14-12-091
	)	
Todd Bender	)	FINAL ORDER
Certificate No. 324567G	)	OF MANDATORY
	)	PERMANENT REVOCATION
	)	

## INTRODUCTION

After receiving and investigating a complaint from Spokane Public Schools (Washington) School District regarding the above referenced educator, and based upon the facts available as of the date of this Final Order, the Superintendent of Public Instruction, through his undersigned designee, institutes this proceeding and finds, as described below, that Todd Bender engaged in acts of unprofessional conduct to include a sexual misconduct with a student.

### I. FINDINGS OF FACT

1. On September 21, 1993, Todd Bender, hereafter referred to as Mr. Bender, was issued Washington Education Certificate, No. 324567G. That certificate currently remains valid.

#### Sexual Misconduct

2. On three (3) separate incidents in 2011, Mr. Bender had sexual contact with a male Spokane Public Schools student.

- a. Two of the incidents of sexual contact occurred when the student was 14 years of age.
- b. One incident occurred when the student was 15 years of age.
- c. One two of the occasions, Mr. Bender gave the student alcoholic beverages for consumption.

3. On unknown exact dates between 2011 and 2014, Mr. Bender would go to the male student's house at night, unannounced and uninvited, and sit on the porch or in the yard.
4. On November 4, 2014, Mr. Bender was placed on administrative leave by the Spokane Public Schools.
5. On November 21, 2014, Mr. Bender submitted his resignation from employment with the Spokane Public Schools; effective the same day.

#### Criminal Investigation and Prosecution

6. On October 27, 2014, the male student reported the incidents of sexual contact by Mr. Bender to the Spokane Police Department. Spokane Police Department Incident # 14-364022
  - a. On November 4, 2014, Mr. Bender was interviewed by Spokane Police Department detectives. During the interview, Mr. Bender admitted to, among other issues, sexual contact with the male student.
7. On November 5, 2014, Mr. Bender was taken to Sacred Heart Medical Center by ambulance after an overdose ingestion of oxycodone-acetaminophen in a suicide attempt. He was placed on a suicide/mental health hold by a mental health provider at Sacred Heart Medical Center.
8. On November 13, 2014, an Information and Statement of Investigating Officer Affidavit of Facts were filed in Spokane County Superior Court charging Mr. Bender with two counts of Child Molestation 3<sup>rd</sup> Degree, Revised Code of Washington (RCW) 9A.44.089. Spokane County Superior Court Cause # 14-1-04095-5
9. On August 5, 2015, Mr. Bender violated a Sexual Assault Protection Order by driving past the student's residence while the student was in the yard.
10. On December 11, 2015, an Amended Information was filed in Spokane County Superior Court charging Mr. Bender with two counts of Child Molestation 3<sup>rd</sup> Degree, Revised Code of

Washington (RCW) 9A.44.089, and Violation of a Sexual Assault Protection Order, RCW 26.50.110. Spokane County Superior Court Cause # 14-1-04095-5

- a. On April 8, 2016, a Statement of Defendant on Plea of Guilty was filed in Spokane County Superior Court for Cause # 14-1-04095-5. In the statement, Mr. Bender plead guilty to the offenses listed in the Amended Information.
- b. On May 27, 2016, Mr. Bender was found guilty by plea and sentenced.

11. Mr. Bender, through their attorney, has been offered an opportunity to respond to the allegations of misconduct, as per RCW 28A.410.090. As of the date of this Order, Mr. Bender has not responded to OPP.

12. Mr. Bender has pleaded guilty or been convicted of a crime listed in RCW 28A.410.090(4). Such a plea or conviction authorizes OSPI to permanently revoke Education Certificate number, 324567G, of Todd Bender.

## II. CONCLUSIONS OF LAW

1. Chapter 28A.410 RCW gives the Professional Educator Standards Board the authority to develop regulations determining eligibility for and certification of personnel employed in the common schools of the state of Washington. OSPI acts as the administrator of those statutes and regulations and has the authority to issue, reprimand, suspend, and revoke education certificates. RCW 28A.410.010. (RCW 28A.410.090) WAC 181-86 and WAC 181-87 further implement OPSI's authority.

2. OSPI has jurisdiction over Todd Bender and the subject matter discussed herein.

3. Todd Bender committed acts of unprofessional conduct pursuant to WAC 181-87-080 and WAC 181-87-060.

4. There is clear and convincing evidence that Todd Bender committed unprofessional conduct. WAC 181-86-170 (Burden and Standard of Proof).

5. Pursuant to WAC 181-86-080, eleven factors, at a minimum, are to be considered to determine the appropriate level and range of educator discipline:

1. The seriousness of the act(s) and the actual or potential harm to persons or property;
2. The person's criminal history including the seriousness and amount of activity;
3. The age and maturity level of participant(s) at the time of the activity;
4. The proximity or remoteness of time in which the acts occurred;
5. Any activity that demonstrates a disregard for health, safety or welfare;
6. Any activity that demonstrates a behavioral problem;
7. Any activity that demonstrates a lack of fitness;
8. Any information submitted regarding discipline imposed by any governmental or private entity as a result of acts or omissions;
9. Any information submitted that demonstrates aggravating or mitigating circumstances;
10. Any information submitted to support character and fitness; and
11. Any other relevant information submitted.

6. Based on the foregoing facts and considering them in light of the eleven factors enumerated in WAC 181-86-080, and in light of WAC 181-86-075 (Grounds for Issuance of an Order of Revocation), RCW 28A.410.090 (4)(c), WAC 181-86-013, and -014, WAC 181-87-080, WAC 181-87-060 and WAC 181-87-080, Todd Bender's education certificate should be permanently revoked for unprofessional conduct and a felony sex offense.

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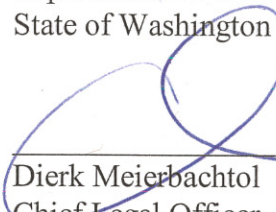
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III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 324567G, of Todd Bender be permanently revoked.

DATED This 10<sup>th</sup> day of August, 2016.

RANDY I. DORN  
Superintendent of Public Instruction  
State of Washington



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Dierk Meierbachtol  
Chief Legal Officer  
Office of Superintendent of Public Instruction