



SUPERINTENDENT OF PUBLIC INSTRUCTION

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IN THE MATTER OF THE EDUCATION)	
CERTIFICATE OF)	OPP No. D18-03-16
)	
DARREN BROWN)	FINAL ORDER
Certificate No. 443360C)	OF SUSPENSION
)	

After receiving and investigating a complaint from Moses Lake School District (“School District”) regarding the above referenced educator, and based upon the facts available as of the date of this Proposed Order, the Superintendent of Public Instruction, through his undersigned designee, institutes this proceeding and finds, as described below, that DARREN BROWN (“Educator”) engaged in acts of unprofessional conduct to include WAC 181-87-050, and does hereby SUSPEND the Educator’s Washington Education Certificate No. 443360C for not less than 30-DAYS with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On March 21, 2009, the Educator was issued Washington Education Certificate No. 443360C. The Educator’s certificate currently remains valid.
2. At the beginning of the 2017–2018 school year, the Educator was employed by the School District at North Elementary School as a Special Education Life Skills teacher.

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3. On March 2, 2018, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint from Dr. Joshua Meek, the Superintendent of the School District, alleging that the Educator had committed unprofessional conduct pursuant to WAC 181-87-050 for not disclosing the past revocation or suspension of a professional license and his employment termination related to the same event.

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4. On February 21, 2008, the Educator entered into an Agreed Order of Reprimand with OSPI for violating WAC 181-87-050. Specifically, on his February 17, 2007 OSPI Application for Washington State Emergency Substitute Certificate, the Educator falsely answered “No” to the questions of: “Have you ever resigned or otherwise left any employment while allegations of misconduct were pending?”; and “Are you currently or have you ever been the subject of any investigation or inquiry by an employer because of allegations of misconduct?” This conclusion was based on the following findings of fact:
- a. The Educator was employed as a drug dependency counselor from July 31, 2006, to January 27, 2007. The Educator was issued a Registered Counselor certificate by the Department of Health (“DOH”) on November 29, 2004. The certificate expired on March 22, 2007.
 - b. On January 23, 2007, Michelle Burke, Director of The Renton Clinic, met with the Educator as part of an investigation into allegations of an inappropriate relationship with a drug dependency client.
 - c. On January 27, 2007, the Educator’s employment as a drug dependency counselor was terminated from The Renton Clinic, a substance abuse treatment facility. The Educator’s employment was terminated due to professional misconduct with a drug dependency client.
 - d. On September 17, 2007, the Educator signed a Stipulated Findings of Fact, Conclusions of Law and Agreed Order for DOH Docket No. 07-07-B1111RC, in which he agreed to a seven (7) year suspension of his registered counselor certificate.

5. On July 12, 2017, the Educator submitted an application to North Elementary School for an Elementary Special Education Life Skills Self-Contained Teacher position. The Educator answered “No” to the question of, “Have you ever had a professional license revoked or suspended?”
6. The Educator was hired by the North Elementary School Principal but subsequently released by the District prior to the first day of school for failing to disclose the previous suspension of his DOH license and related termination.
7. On May 23, 2017, the Educator applied to Othello School District for a 5th Grade Teacher position. The Educator answered “No” to the following questions: “Have you ever been involuntarily terminated or asked to resign, or resigned in lieu of termination from another employer?”; “Have you ever had an adverse action taken on a professional certificate, license, or charter school registration?”; and “Have you ever been disciplined by any public agency responsible for licensure of any kind, including but not limited to, educational licensure?”
8. On September 14, 2009, the Educator submitted an application to the School District for Certificated Employment Substitute Teacher and answered “No” to the question, “Are you currently the subject of any investigation or inquiry by an employer or government agency or have you committed misconduct or harassment in the workplace?”

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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. Chapters 181-86 and 181-87 of the Washington Administrative Code (WAC) further implement OSPI's authority.
2. OSPI has jurisdiction over the Educator and the subject matter of this action.
3. The Educator committed acts of unprofessional conduct pursuant to WAC 181-87-050 by falsifying material facts on applications for professional employment.
4. There is a clear and convincing evidence that the Educator committed acts of unprofessional conduct pursuant to WAC 181-86-170.
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.

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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 181-86-070, WAC 181-87-050, the Educator's education certificate should be suspended for unprofessional conduct.

III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate No. 443360C of DARREN BROWN is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for 30 DAYS from the effective date of this ORDER.

REINSTATEMENT of the Educator's education certificate shall require:

- (1) The Educator must submit a new application, including Character and Fitness Supplement, provided by OPP;
- (2) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigation and the Washington State Patrol;
- (3) The Educator's fingerprint background check must return with no criminal convictions, occurring after the date of issuance of a Final Order of Suspension, that are listed in WAC 181-86-013, RCW 28A.410.090, or any felony convictions;
- (4) The Educator shall assume all costs of complying with the requirements of this Order.

DATED this 18th day of April, 2019.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington

Signed: Dierk Meierbachtol
Chief Legal Officer