



SUPERINTENDENT OF PUBLIC INSTRUCTION

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IN THE MATTER OF THE EDUCATION)
CERTIFICATE OF)

OPP No. D19-08-069

DARRELL KEITH)
Certificate No. 527236D)

FINAL ORDER
OF SUSPENSION

After receiving and investigating a complaint from Marysville 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 DARRELL KEITH (“Educator”) engaged in acts of unprofessional conduct to include WAC 181-87-060, and does hereby SUSPEND the Educator’s Washington Education Certificate No. 527236D for not less than THIRTY (30) days with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On February 17, 2016, the Educator was issued Washington Education Certificate No. 527236D. The Educator’s certificate will expire on June 30, 2020.
2. During the 2018–2019 school year, the Educator was employed by the School District at Marysville Pilchuck High School as a Spanish teacher on a one-year only, leave replacement contract.

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3. On July 15, 2019, the Office of Professional Practices (OPP) within the Office of Superintendent of Public Instruction (OSPI) received a complaint from Jason Thompson, the Superintendent of the School District, alleging the Educator has committed unprofessional conduct pursuant to WAC 181-87 by communicating with a female student for what could be considered amorous intent.

4. On June 13, 2019, the Educator gave a book and a note to an 18-year-old female foreign exchange student. The Educator also sent the student an email with the subject line of “Only for You”.

- a. The book was *The Giving Tree* by Shel Silverstein translated into Spanish; and
- b. The note was two-sided. One side was written in Spanish and the other side was written in Serbian.

5. The Spanish-language side of the note was translated by Josh Roehl, District Spanish teacher. Included in the Spanish side were comments including:

- a. “Please, I plead with you that these words are only for you!”;
- b. “I would never say these words to anyone younger than 18”;
- c. “I know that I am too old for you, but wanted to tell you that you are a beautiful woman”; and
- d. “Thank you for being my student this year. I will miss you and your smile.”

6. The Serbian language side of the note was translated through Google Translate and includes the following comments:

- a. “I can’t say anything less because you are 18 years old and no longer my student”; and
- b. “I can tell you that I am in love with you.”

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7. The email titled “Only for you” had the message body of “Thank you for being my student” written in Spanish.

8. On June 14, 2019, the Educator sent an email to David Rose, Marysville Pilchuck High School Principal. In the email, the Educator stated:

- a. “I know that I shouldn’t have written the note. Even as I was writing it, I knew I shouldn’t”;
- b. “I’ve been alone for the last 10 years. I knew that the student was going home, and there was never, never, never any contact before this...I knew that I wouldn’t ever/could never do anything other than words”; and
- c. “My beyond description lonely brain ‘thought’ it was a harmless admission of ‘you’re going home, so by the way’, knowing that I would never see the student again.

9. On June 14, 2019, the Educator was placed on administrative leave.

10. On October 3, 2019, the Educator participated in an interview with OPP. During the interview, the Educator made the following comments:

- a. He said the Serbian note he wrote included a comment of, “I think I can get a crush on you”; and
- b. He said the student would often spend her lunch period in his room. During that time, they discussed, among other topics, their musical interests, and the Educator sent the student a link to an Apple music playlist.

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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 181-87-060 for by having inappropriate non-educational communications with a student.
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, and WAC 181-87-060, the Educator's education certificate should be suspended for unprofessional conduct and/or a behavioral problem which endangers the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting.

III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate No. 527236D of DARRELL KEITH is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for at least THIRTY (30) days from the effective date of this ORDER.

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REINSTATEMENT of DARRELL KEITH's education certificate shall require:

- (1) Meeting any and all academic requirements for an education certificate;
- (2) In addition to meeting the academic requirements for a valid education certificate, the Educator must successfully complete a MAINTAINING BOUNDARIES course, preapproved by OSPI. The Educator will provide OSPI proof of completion of the course prior to requesting reinstatement;
- (3) The Educator must submit a new application, including Character and Fitness Supplement, provided by OPP;
- (4) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigation and the Washington State Patrol;
- (5) 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; AND
- (6) The Educator shall assume all costs of complying with the requirements of this Order.

DATED this _____ day of _____, 2020.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington

Dierk Meierbachtol
Chief Legal Officer