



SUPERINTENDENT OF PUBLIC INSTRUCTION

RANDY I. DORN OLD CAPITOL BUILDING • PO BOX 47200 • OLYMPIA WA 98504-7200 • <http://www.k12.wa.us>

IN THE MATTER OF THE EDUCATION)	
CERTIFICATE OF)	OPP No. D10-01-002
)	
)	AGREED ORDER
JOHN DAVID BURTON)	OF SUSPENSION
Certificate No. 274952A)	
_____)	

COMES NOW the Office of Superintendent of Public Instruction, under the authority granted by the laws of the state of Washington, having reviewed the file of the above-referenced case, and having considered the entire evidence contained therein, does hereby stipulate by and between the Office of Professional Practices (OPP), Office of Superintendent of Public Instruction (OSPI), and John Burton, that the Washington Education Certificate, No.274952A, of John Burton, shall be suspended, based on the Findings of Fact and Conclusions of Law set forth below:

FINDING OF FACTS

1. John Burton was issued a Washington Education Certificate, No. 274952A, on August 22, 1986. That certificate currently remains valid.

2. John Burton was employed by the Kent School District.

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JOHN DAVID BURTON
AGREED ORDER OF SUSPENSION



3. On January 6, 2010, the Office of Professional Practices, within OSPI, received a complaint letter from Edward Lee Vargas, Ph.D., the Superintendent of the Kent School District alleging a lack of good moral character or personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87, by John Burton.

4. From and during the 2006-2007, 2007-2008, and 2008-2009 school years, students in John Burton's first grade class inappropriately touched John Burton by rubbing or "massaging" his hands, legs, feet, and/or thigh. Although John Burton allowed his students to give him "massages" and failed to discourage students from touching him, there was no indication of any type of sexual motivation.

5. During the 2009-2010 school year, John Burton tipped over desks of students who had messy desks, or were misbehaving, causing the contents of the desk to land on the floor.

6. On February 26, 2009, after receiving complaints from student's parents, John Burton was reported to Washington State Child Protective Services (CPS) by Audrey Farrís, Covington Elementary School Principal, regarding allegations of students massaging his feet and his tipping of desks.

7. John Burton was placed on administrative leave on or about February 26, 2009.

8. On February 27, 2009, during a meeting with Larry Miner, Kent School District Assistant Superintendent for Human Resources, John Burton denied allowing students to massage his feet.

9. On April 1, 2009, during a meeting with Mr. Miner, John Burton admitted that he allowed students to massage his feet during class.

7. On April 22, 2009, John Burton was issued a Letter of Probable Cause for Discharge by Superintendent, Edward Lee Vargas, Ph.D. John Burton appealed his termination in a timely manner.

8. On October 27, 2009, a hearing was held regarding John Burton's appeal of the Kent School District Probable Cause for Termination. The hearing officer was Robert J. Doran.

9. On December 15, 2009, Statutory Hearing Officer, Robert J. Doran issued his Findings of Fact and Conclusions of Law and Decision and upheld the Kent School District's termination of John Burton.

10. On March 22, 2011, John Burton interviewed with OPP. On June 3, 2011, OPP received John Burton's signed statement.

11. Good moral character and personal fitness is a continuing requirement to maintain a Washington Education Certificate.

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CONCLUSIONS OF LAW

1. OSPI has jurisdiction over John Burton and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that Washington Education Certificate, No. 274952A, of John Burton, should be suspended as provided for in WAC 181-86-070.

3. John Burton has violated RCW 28A.410.090, WAC 181-87-060, WAC 181-86-013, and/or WAC 181-86-014.

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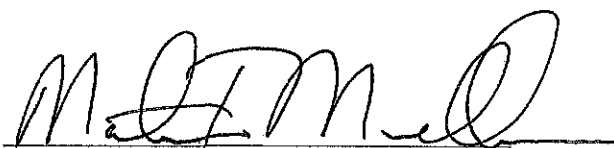
ORDER

THEREFORE, it is hereby ordered and agreed that the Washington Education Certificate, No. 274952A, of John Burton, be suspended for four (4) months from the date of entry of this Order.

Reinstatement shall require submission of a new application, including Character and Fitness Supplement, provided by OPP and having John Burton's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP). Reinstatement shall also be contingent upon John Burton's fingerprint background check returning with no criminal convictions that are listed in WAC 181-86-013, RCW 28A.410.090, and/or any felony convictions

DATED This 5th day of October, 2011.

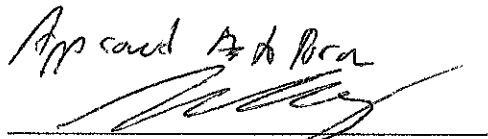
RANDY I. DORN
Superintendent of Public Instruction
State of Washington



Martin T. Mueller
Assistant Superintendent
Student Support

Stipulated to and approved
For entry:


John Burton, Respondent


Michael Gawley, Attorney for Respondent
WSBA # 22110