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IN THE MATTER OF THE EDUCATION	)	
CERTIFICATE OF	)	OPP No. D19-02-019
	)	
NGOMA HOWARD	)	AGREED ORDER
Certificate No. 386572B	)	OF SUSPENSION
_____	)	

After receiving and investigating a complaint from Tacoma Public Schools ("School District") regarding the above referenced educator, and based upon the facts available as of the date of this Agreed Order, the Superintendent of Public Instruction, through his undersigned designee, does hereby stipulate, by and between, the Office of Superintendent of Public Instruction, the Office of Professional Practices and NGOMA HOWARD ("Educator") that NGOMA HOWARD engaged in acts of unprofessional conduct to include WAC 181-87-060 and that the Educator's Washington Education Certificate No. 386572B shall be SUSPENDED 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 April 26, 2001, the Educator, was issued Washington Education Certificate No. 386572B. The Educator's certificate will expire on June 30, 2025.
2. During the 2018-2019 school year, the Educator was employed by the School District at Jennie Reed Elementary Schools as an assistant principal.

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3. On February 15, 2019, the Office of Professional Practices ("OPP") within the Office of Superintendent of Public Instruction ("OSPI") received a complaint from Carla Santorno, the Superintendent of the School District, alleging that the Educator has committed unprofessional conduct pursuant to WAC 181-87 for failure to report suspected child abuse within the time frame mandated by Revised Code of Washington (RCW) 26.44.020.

4. On May 21, 2018, the Educator received a Letter of Direction for pulling a chair out from under a student and then physically picked up the chair that the student was seated in because the student didn't follow verbal directives.

5. On or about November 27, 2018, Kim Nichols, 5<sup>th</sup> grade teacher, was informed that Student A had made comments on a school bus that he was being forced into participating in sexual acts with and by a family member. Ms. Nichols informed the Educator of the disclosure.

6. The Educator interviewed the students who informed Ms. Nichols of Student A's comments, students who were near Student A on the bus and Student A and concluded, based on these interviews, that Student A used inappropriate language on the bus, but did not state he was forced into participating in sexual acts with a family member.

7. On December 4, 2018, an internal school referral form, informally referred to as a 'Jaguar Report', documenting Student A's disclosure from November 27, 2018 was reviewed by Lauren MacDonald, Jennie Reed Elementary School counselor, and Abby Sloan, Jennie Reed Elementary School Principal. The Educator was asked if he had contacted CPS or Tacoma Police Department and reported Student A's disclosure. The Educator stated that he had not.

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8. On December 4, 2018, CPS and Tacoma Police Department were contacted and notified of Student A's disclosure. Ms. MacDonald, Ms. Sloan, and Ms. Caldon state that the Educator informed them that as CPS and Tacoma Police Department were being contacted, he contacted Student A's mother and informed her of the pending CPS and Tacoma Police Department investigations. The Educator denies that he contacted Student A's mother at that time and stated to OPP that he contacted the parent at the time he interviewed Student A on or about November 27, 2018, to inform her about Student A's use of inappropriate language.

9. On December 12, 2018, Student A was interviewed by a Child Forensic Interviewer for a Tacoma Police Department investigation. During the interview, Student A, when asked how he knew about the statements, said that his mom had told him because the principal had told her. Student A's mother informed a Tacoma Police Department detective that the Educator has called her "a month or two ago and told her what other kids at the school had told him (Student A) was staying on the bus".

10. On January 14, 2019, the Educator was issued a Letter of Reprimand by Ms. Sloan for failing to report a concern of child abuse within 48 hours to CPS and/or local law enforcement and for contacting the parents of Student A and informing them of Student A's disclosure.

- a. Within the Letter of Reprimand, it states that during an interview on December 20, 2018, the Educator stated that he called Student A's family while a CPS report was being made was to discuss the initial referral and disclosure; and,
- b. He called while the CPS report was being made because he had not contacted the family the prior week.

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11. On August 11, 2021, the Educator participated in an interview with an OPP investigator.

During the interview, the Educator stated:

- a. That Ms. Nichols had not told him that Student A had discussed a family member forcing him into participating in sexual acts;
- b. That during his investigation of Student A's comments on the bus, no student said that Student A had discussed a family member forcing him into participating in sexual acts;
- c. That he called Student A's mother to discuss Student A's use of inappropriate language while on a school bus;
- d. That he did not tell Student A's mother that Student A had discussed a family member was forcing him into participating in sexual acts; and,
- e. That he did not make a report to CPS or local law enforcement within 48 hours because he did not believe he needed to make such a report and determined it was a behavior report.

12. In a Supplemental Statement to OPP, signed on March 22, 2022, the Educator stated, among other comments:

- a. He did not tell anyone that he called the family on December 4, 2018, or December 11, 2018;
- b. He did not tell anyone that he panicked about not making a CPS referral and therefore called the mom;

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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 failure to reports suspected child abuse to either Child Protective Services or local law enforcement within 48 hours, as per RCW 26.44.020.
4. There is a clear and convincing evidence that the Educator committed acts of unprofessional conduct pursuant to WAC 181-86-170.

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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 181-86-070, WAC 181-87-060, the Educator's education certificate should be suspended for unprofessional conduct.

### III. ORDER

THEREFORE, it is hereby ordered and agreed that the Washington Education Certificate, No. 386572B of NGOMA HOWARD 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 Ngoma Howard'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; AND
- (4) The Educator shall assume all costs of complying with the requirements of this Order.

**WAIVER OF RIGHT TO APPEAL**

*The Educator is aware that RCW 28A.410.090(3) and WAC 181-86-140 afford him the right to appeal a denial or discipline order issued by OSPI. Acknowledging this, the Educator knowingly and voluntarily waives his right to appeal by entering into this Agreed Order of Suspension.*

DATED this 21st day of June, 2022

CHRIS REYKDAL

Superintendent of Public Instruction  
State of Washington



Matthew A. Schultz  
Chief Legal and Civil Rights Officer

Stipulated to and approved  
For entry:



Ngoma Howard, Respondent