



# SUPERINTENDENT OF PUBLIC INSTRUCTION

CHRIS REYKDAL 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. D18-09-084
	)	
KELLY BENDIXEN	)	FINAL ORDER
Certificate No. 359932A	)	OF MANDATORY
	)	PERMANENT REVOCATION
	)	

After receiving and investigating a complaint from University Place 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 KELLY BENDIXEN (“Educator”) demonstrated a lack of good moral character and personal fitness pursuant to WAC 181-86-013 and WAC 181-86-014 and does hereby PERMANENTLY REVOKE the Educator’s Washington Education Certificate No. 359932A, pursuant to RCW 28A.410.090(4)(c), based on the following Findings of Fact and Conclusions of Law:

## I. FINDINGS OF FACT

1. On April 6, 1998, the Educator was issued Washington Education Certificate No. 359932A. The Educator’s certificate expired on June 30, 2019.
  2. During the 2017–2018 school year, the Educator was employed by the School District as a Substitute teacher.
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3. On September 11, 2018, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint from Jeff Chamberlin, Superintendent of the School District, alleging the Educator was arrested and charged with sexual misconduct with a minor on Monday, August 13, 2018. The Educator worked for the School District as a Substitute teacher for approximately ten years prior to his arrest.

4. On August 6, 2018, the Educator engaged in acts of sexual misconduct with a minor.

5. On August 8, 2018, the Educator attempted to engage in acts of sexual misconduct with a minor.

6. On August 13, 2018, an Information and a Declaration for Determination of Probable Cause was filed with the Pierce County Superior Court charging the Educator with one count of Sexual Misconduct with a Minor in the First Degree, RCW 9A.44.093. Cause No. 18-1-03184-4.

7. On May 20, 2019, the Educator pleaded guilty to an amended charge of one count of Communication with a Minor for Immoral Purposes, RCW 9.68A.090(2), a Class C felony.

8. On May 22, 2019, an OPP investigator sent the Educator a letter via certified mail advising the Educator has a right to be heard concerning the allegations of professional misconduct against him and inviting him to submit a written statement or declaration. As of the date of this Proposed Order of Permanent Revocation, OPP has not received a response.

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9. On June 6, 2019, the Educator was sentenced to one month of confinement in jail and ordered to adhere to specific conditions, including but not limited to:

- a. Pay legal financial obligations and restitution;
- b. Serve 12 months of community custody;
- c. Submit to a psycho-sexual evaluation and treatment;
- d. Register as a sex-offender; and
- e. Have no direct and/or indirect contact with minors;
- f. Do not hold any position of authority or trust involving minors; and
- g. Stay out of areas where children's activities regularly occur or are occurring.

## 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. Pursuant to WAC 181-86-170, there is clear and convincing evidence the Educator has pleaded guilty to or has been convicted of a crime specified in RCW 28A.410.090(4).

4. Pursuant to RCW 28A.410.090(4) and WAC 181-86-013(1), a plea of guilty or a conviction of a felony crime against a child bars the certificate holder from any future practice as an education practitioner and requires OSPI to permanently revoke the Educator's certificate.

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5. Pursuant to WAC 181-86-170, WAC 181-86-013, and WAC 181-86-014, there is clear and convincing evidence the Educator lacks the good moral character and personal fitness to serve as a certificated educator in schools in the state of Washington.

6. 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.

7. 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, RCW 28A.410.090(4), WAC 181-86-013, and WAC 181-86-014, the Educator's education certificate should be permanently revoked for demonstrating a lack of good moral character and personal fitness pursuant to WAC 181-86-013 and committing a felony crime under RCW 28A.410.090(4) which bars the Educator from any future practice as an educator.

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III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate No. 359932A of KELLY BENDIXEN is **PERMANENTLY REVOKED**.

DATED this 15<sup>th</sup> day of November, 2019.

CHRIS REYKDAL  
Superintendent of Public Instruction  
State of Washington

  
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Dierk Meierbachtol  
Chief Legal Officer