



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)
Roberto Figueroa)
Certificate No. 411492B)

OPP No. D06-11-086
AGREED ORDER
OF SUSPENSION

COMES NOW the Office of Superintendent of Public Instruction (OSPI), 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 suspend the Washington Education Certificate No. 411492B, of Roberto Figueroa for nine (9) months based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Roberto Figueroa was issued a Washington Education Certificate, No. 411492B, on September 11, 2003. That certificate currently remains valid.
2. Roberto Figueroa was employed by the Columbia Burbank School District.
3. On November 9, 2006, the Office of Professional Practices, within OSPI, received a complaint letter from the Superintendent of the Columbia (Burbank) 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 Roberto Figueroa.

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4. On August 17, 2004, Kyle Miller, Principal of Columbia High School, met with Roberto Figueroa and discussed: consistency in dealing with students; taking and making comments personally when dealing with kids; and his general interactions with kids.
5. On March 29, 2005, Kyle Miller sent Roberto Figueroa a letter/memo titled, "Regarding: Teacher Expectations".
6. On September 2, 2005, Kyle Miller received an e-mail from a student's parent regarding inappropriate comments made by Roberto Figueroa to students. Kyle Miller met with Roberto Figueroa and reviewed the letter, "Regarding: Teacher Expectations"; particularly the sections of "Controversial Issues" and "Organization".
7. During the 2005-2006 school year, Roberto Figueroa used inappropriate language towards students and made inappropriate comments to students.
8. During the 2005-2006 school year, Roberto Figueroa edited a drama play originally written by students. During rehearsals, Roberto Figueroa: made inappropriate comments to students; made inappropriate gestures towards students; and gave inappropriate directions to students for performing the play.
9. During the 2005-2006 school year, Roberto Figueroa jumped on tables to confront students and exhibited other inappropriate anger displays.

10. Walla Walla School District Policy #5201, Drug-Free Schools, Community and Workplace, requires employees to report the use of any drug or medication that may adversely affect their ability to perform work in a safe and protective environment.

11. During the 2005-2006 school year, Roberto Figueroa was under the care of a physician and taking prescription medication. Roberto Figueroa did not report the use of prescription medication to Columbia School District administrators.

12. On July 26, 2006, Roberto Figueroa, in a meeting with Kyle Miller and Ben Small, Superintendent of Columbia School District, admitted that he made a racial slur towards a Hispanic male student. Roberto Figueroa also stated that he was ill and currently taking medication.

13. On August 14, 2006, Roberto Figueroa told Kyle Miller and Ben Small that he had jumped on a desk to confront a student and stated: "I didn't know what I was doing, my judgement was impaired"; "There were days when I just wanted someone to come into my class and shoot me; and "I had suicidal thoughts".

14. On or about August 14, 2006, Columbia School District received a letter from Dr. Olympia Tachopoulou of Mid-Columbia Medical Associates regarding Roberto Figueroa, his treatment, and prescribed medication.

15. On August 28, 2006, Roberto Figueroa was placed on administrative leave.

16. On September 6, 2006, Roberto Figueroa was issued a Written Reprimand by Ben Small for making a racial comment to a student and for anger displays. As part of the Reprimand, Roberto Figueroa was directed to attend and complete an anger management program and sensitivity training.

17. On March 27, 2007, Roberto Figueroa signed a Resignation, Settlement and Release Agreement with the Columbia School District. Roberto Figueroa submitted his resignation, effective February 1, 2007.

18. On January 22, 2009, Roberto Figueroa participated in an interview with an OPP investigator. On January 30, 2009, Roberto Figueroa submitted a sworn statement to OPP.

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Roberto Figueroa and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate, No. 411-492B, of Roberto Figueroa, should be suspended as provided for in WAC 181-86-070.

3. Roberto Figueroa has violated RCW 28A.410.010, WAC 181-87-060, WAC 181-86-013, and/or WAC 181-86-014.

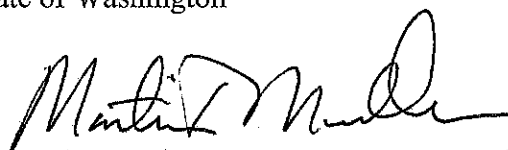
ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 411492B, of Roberto Figueroa be suspended for nine (9) months.

REINSTATEMENT will require: (1) Successful completion of psychiatric counseling which validates Roberto Figueroa's ability to have regular scheduled unsupervised access to children; (2) compliance and successful completion of any psychiatric recommendations addressing the Findings of Fact contained within this Agreed Order of Suspension; (3) the evaluator/s for psychiatric counseling may be Thomas Dillon, M.D. ; (4) that Roberto Figueroa provide written consent for OSPI to release documents to the evaluator for purposes of completing an evaluation course of treatment; (5) and that Roberto Figueroa provide a release authorizing OPP to have access to records of any and all subsequent treatment undertaken. The cost of conformance to all reinstatement requirements will be the responsibility of Roberto Figueroa. Reinstatement shall (also) require submission of a new application, including Character and Fitness Supplement, provided by OPP and having Roberto Figueroa's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP). Reinstatement shall also be contingent upon Roberto Figueroa'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.

DATE this 25TH day of November, 2009.


RANDY I. DORN
Superintendent of Public Instruction
State of Washington



Martin T. Mueller
Assistant Superintendent
Student Support

Stipulated to and approved
For entry:


Roberto Figueroa, Respondent


Edward Shea, Attorney for Respondent