



# SUPERINTENDENT OF PUBLIC INSTRUCTION

DR. TERRY BERGESON 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. D03-01-002
	)	
	)	ORDER OF SUSPENSION
KATHLEEN BOYDEN-DANIEL	)	
Certificate No. 261906B	)	
_____	)	

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. 261906B, of KATHLEEN BOYDEN-DANIEL for a minimum of 24 months based on the Findings of Fact and Conclusions of Law set forth below:

### FINDINGS OF FACT

1. Kathleen Boyden-Daniel was issued a Washington education certificate, No. 261906B, on September 4, 1984. That certificate currently remains valid.
2. Kathleen Boyden-Daniel was employed by the Kent School District.
3. On December 16, 2002, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Kent School District alleging a lack of good

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moral character or personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 180-87, by Kathleen Boyden-Daniel.

4. On April 6, 2000, the Kent School District issued Kathleen Boyden-Daniel a Letter of Concern for her repeated tardiness to work on the first three days of the week of April 3, 2000.

5. On April 28, 2000, Kathleen Boyden-Daniel signed a Performance Agreement with the Kent School District. The Performance Agreement was to make Kathleen Boyden-Daniel aware that her performance as a teacher had been affected negatively by her frequent absences and tardiness. As a result, Kathleen Boyden-Daniel agreed to the following: Promise to show up to work regularly and on time; If she has to miss work, she will follow District procedure about calling in and arranging for a substitute; She will not leave the building during working hours, unless she consults with the principal and receives her permission; If she has any other concerns, she will bring them to the attention of her principal or the Human Resources Department for resolution. Kathleen Boyden-Daniel further agreed to contact her health care provider for the purpose of determining her fitness for returning to work and undergo a drug screen as she offered to do. Kathleen Boyden-Daniel was placed on unpaid administrative leave as of April 24, 2000. Kathleen Boyden-Daniel was seen by her health care provider and completed a physical exam with a negative blood and urine screening. She was permitted to returned to work on May 5, 2000.

6. On May 9, 2000, Kathleen Boyden-Daniel disregarded the conditions of her Performance Agreement she signed on April 28, 2000, by leaving work on that date and not contacting the

principal prior to leaving. As a result, this was discussed with Kathleen Boyden-Daniel during her May 11, 2000 conference with the Kent School District and noted in a May 15, 2000 Conference Summary letter to Kathleen Boyden-Daniel.

7. On August 28, 2000, a required teacher workday, Kathleen Boyden-Daniel did not call the school to report her absence, and she did not come to work until at least some time after 12:00 pm. On August 30, 2000, the first day of school, Kathleen Boyden-Daniel did not arrive at the 8:20 am starting time for teachers in her building, but arrived at 8:55 am. As a result, the Kent School District issued Kathleen Boyden-Daniel a Letter of Reprimand dated, September 5, 2000, for her non-compliance of her Performance Agreement signed April 28, 2000.

8. On December 19, 2000, the Kent School District issued Kathleen Boyden-Daniel a Letter of Concern citing a pattern of her absences. A copy of Kathleen Boyden-Daniel's Performance Agreement that she signed April 28, 2000 was attached to the letter.

9. On March 22, 2001 Kathleen Boyden-Daniel called the human resources department to arrange for a substitute for the remainder of the day. She was told there were no substitutes available. She then left the school building without signing out, without talking with anyone in the office and without her principal's knowledge. As a result, the Kent School District issued Kathleen Boyden-Daniel a Letter of Reprimand dated April 9, 2001. Kathleen Boyden-Daniel was assigned three days of unpaid suspension. In consideration of her students' need for consistent instructional time, the three days were held in abeyance but constituted a progression in the level of discipline imposed for her behavior.

10. During 2001, on numerous occasions, Kathleen Boyden-Daniel fraudulently obtained Oxycontin, a habit forming controlled substance, by use of unauthorized prescriptions from her doctor's office. The Auburn Police Department investigated (cause no. 01-07094) the unauthorized prescriptions and found probable cause that Kathleen Boyden-Daniel committed the crime of Prescription Forgery. The police department forwarded the charge to the Superior Court of King County.

11. On or about January 9, 2002, Kathleen Boyden-Daniel's Insurance carrier, Regence Blue Shield, issued a letter to the Kent School District, terminating Kathleen Boyden-Daniel's health care coverage effective March 1, 2002, for "Committing fraudulent acts to the carrier."

12. On August 14, 2002, Kathleen Boyden-Daniel pled guilty to Attempted Violation of the Uniform Controlled Substance Act, Forged Prescription (RCW 69.50.403 {A} {3}). The Superior Court of King County ordered Kathleen Boyden-Daniel to the following: 12 month deferred sentence; 1 day in jail, with credit for 1 day already served; 12 months under the charge of a Community Corrections Officer; pay \$500.00 victim assessment and all non-mandatory fines and fees waved; not purchase, possess or use any alcohol and controlled substances (without lawful prescription); submit to urinalysis and/or breath testing; remain in treatment with doctor; and comply with all aftercare treatment requirements of Highline Hospital; commit no criminal offenses; and attend 1 AA/NA meeting per week and keep written proof.

13. On December 9, 2002, the Kent School District discharged Kathleen Boyden-Daniel from employment with the Kent School District.

14. Good moral character and personal fitness is a continuing requirement to maintain a Washington education certificate.

**CONCLUSIONS OF LAW**

1. OSPI has jurisdiction over Kathleen Boyden-Daniel and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that the Washington education certificate, No. 261906B, of Kathleen Boyden-Daniel, should be suspended as provided for in WAC 180-86-070.

3. Kathleen Boyden-Daniel has violated WAC's 180-87-060, 180-86-013, 180 86-014 and RCW 28A.410.090.

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**ORDER**

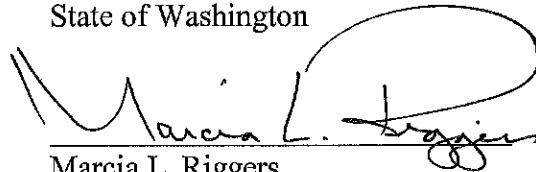
THEREFORE, it is hereby ordered that the Washington education certificate, No. 261906B, of Kathleen Boyden-Daniel be suspended for a minimum of 24 months.

Reinstatement shall require the following: Demonstrate proof of successful completion all court imposed requirements and treatment as indicated in Judgment and Sentence Case No. 02-1-03389-6; All costs of the imposed requirements and treatment are the responsibility of Kathleen Boyden-Daniel; If requested, Kathleen Boyden-Daniel shall sign a release form allowing OSPI/OPP to communicate with the treatment provider for the purpose of discussing her court ordered treatment.

Reinstatement shall also require submission of a new application, provided by OPP and having Kathleen Boyden-Daniel's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP).

DATED This 26<sup>th</sup> day of July, 2004.

DR. TERRY BERGESON  
Superintendent of Public Instruction  
State of Washington



Marcia L. Riggers  
Assistant Superintendent  
Student Support and Operations