



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. D05-06-063
)	
Brian C. Todd)	AGREED ORDER
Certificate No. 298360R)	OF SUSPENSION
)	

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 Brian C. Todd, that the Washington Education Certificate, No.298360R, of Brain C. Todd, shall be suspended, based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Brian C. Todd was issued a Washington Education Certificate, No. 298360R, on April 27, 1990. That certificate currently remains valid.
2. Brian C. Todd was employed by the Brewster School District.
3. On May 31, 2005, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Brewster School District alleging a lack of good moral

BRIAN C. TODD
 AGREED ORDER OF SUSPENSION



character or personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87, by Brian C. Todd.

4. From December 2004 to March of 2005, Brian Todd and Kim Brown, a classified employee of Brewster School District, used school district computers to email each other personal coded messages. Brian Todd and Kim Brown used school district phones for short personal conversations.

5. On one occasion during the 2004/2005 school year, Superintendent James Kelly observed Brian Todd and Kim Brown together in close proximity in a secluded walkway. Brian Todd was observed visiting with Kim Brown in the Athletic Director's office on numerous occasions.

6. Brian Todd and Kim Brown had sexual relations on at least four separate occasions within the school district buildings. These sexual encounters took place near the end of summer in 2004 and continued to March of 2005. Brian Todd disputes these allegations but concedes this finding for purposes of this agreed order.

7. In a letter dated March 25, 2005, Superintendent James Kelly placed Brian Todd on paid administrative leave for the purpose of investigating allegations of unprofessional misconduct.

8. In a letter dated May 13, 2005, Superintendent James Kelly issued Brian Todd a Notice of Determination of Probable Cause for Termination.

9. On October 11, 2005, Brian Todd signed a settlement agreement with the Brewster School District; this Settlement Agreement was approved by the Brewster School Board on October 24, 2005.

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Brian Todd and over the subject matter of this action.
2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate, No. 298360R, of Brian Todd, should be suspended as provided for in WAC 181-86-070.
3. Brian Todd has violated WAC 181-87, RCW 28A.410.090, WAC 181-86-013, and WAC 181-86-014.

ORDER

THEREFORE, it is hereby ordered and agreed that the Washington Education Certificate, No. 298360R, of Brian C. Todd, be suspended for 6 months, from ~~March 1, 2006~~ *FEBRUARY* *BT*
thru ~~August 31, 2006.~~ *JULY* *BT*

DATED This 11th day of May, 2006.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington

Stipulated to and approved
For entry:

Brian C. Todd
Brian C. Todd, Respondent

Erik Wahlquist
Erik Wahlquist, Attorney for Respondent

Marcia L. Riggers
Marcia L. Riggers
Assistant Superintendent
Student Support and Operations