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. D04-02-007
	)	AGREED ORDER OF SUSPENSION
Linda Lozano Certificate No. 227012B	)	

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 Linda Lozano, that the Washington Education Certificate, No.227012B, of Linda Lozano, shall be suspended, based on the Findings of Fact and Conclusions of Law set forth below:

FINDING OF FACTS

1. Linda Lozano was issued a Washington Education Certificate, No. 227012B, on March 8, 1978. That/these certificate(s) currently remains valid.

2. Linda Lozano was employed by the Clover Park School District.

3. On January 27, 2004, the Office of Professional Practices, within OSPI, received a complaint letter from the Superintendent of the Clover Park 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) 180-87, by Linda Lozano.

4. During the 2002-2003 and the 2003-2004 school years, Linda Lozano did not follow the federal or state laws regarding IEP's or special education students. Christine Rainwater, Woodbrook Middle School special education teacher and department co-chair,, states that she and others completed IEP's for Linda Lozano during this time period and that, in December of 2003, when Linda Lozano left Woodbrook Middle School she had 10 un-completed IEP's due for review.

5. During the first semester of the 2003-2004 school year, Joan Specht, a Clover Park School District speech therapist, stated that she observed Linda Lozano pulling on a student's backpack in an attempt to prevent the student from leaving class. On November 7, 2003, Linda Lozano shoved a female 6th grade special education student, causing her to lose her balance.

6. From September of 2003 to December of 2003, Angie Jennen, Woodbrook Middle School psychologist, says that Linda Lozano asked her to come to her room 2-4 times per week, remove select students from her classroom, and "take them anywhere but" the classroom. Angie Jennen also stated that she observed 6th grade special education students locked out of Linda Lozano's classroom during class time.

7. On November 7, 2003, Linda Lozano left her special education classroom with part of the class and left the remainder of the class with Rose Lewis, Woodbrook Middle School para-educator and a non-certified educator. Linda Lozano was away from her classroom for about 20-25 minutes and did not return to check on her students.

8. During the 2001-2002 and the 2002-2003 school years, Angie Jennen states that she observed, and was informed by others, that Linda Lozano told students, in a classroom setting, that they were incapable of learning and she did not know why she bothered and called students stupid and that they shouldn't waste their time.

9. On an unknown date between September of 2003 and October of 2003, Christine Rainwater states that Linda Lozano made a comment that she wanted to "castrate" or "kill" the students under her direction. Both Christine Rainwater and Angie Jennen state that between 2001 and 2003, Linda Lozano made suicidal comments and threats to them.

10. On December 9, 2003, Ron Banner, Woodbrook Middle School Vice-Principal, issued a Letter of Concern to Linda Lozano. The concerns raised in the letter included: handling students in a physical manner; leaving a paraprofessional in alone with students; and not providing services identified in an IEP.

11. Linda Lozano resigned from the Clover Park School District on January 13, 2004, with an effective date of June 30, 2004. In a Declaration provided to OSPI, in the course of its investigation, Linda Lozano denied many of the facts contained in this order.

12. On January 26, 2004, the Clover Park School District accepted Linda Lozano's resignation letter. The Clover Park School District removed Linda Lozano from Woodbrook Middle School and assigned her to regular education classes, at the elementary school level only, on a substitute work assignment basis until her effective resignation date.

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Linda Lozano and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that Washington Education Certificate, No. 227012B, of Linda Lozano, should be suspended as provided for in WAC 180-86-070.

3. Linda Lozano has violated WAC 180-87-060, RCW 28A.410.090, WAC 180-86-013, WAC 180-86-014 and/or WAC 180-40-235.

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ORDER

THEREFORE, it is hereby ordered and agreed that the Washington Education Certificate, No. 227012B, of Linda Lozano, be suspended for 6 months from the date of entry of this Order.

Reinstatement shall require adherence to the following stipulations:

(1) successful completion of a psychological evaluation which validates Linda Lozano's ability to have unsupervised access to children, by an evaluator mutually agreed upon by the Office of Professional Practices (OPP) and Linda Lozano; (2) that Linda Lozano follows and complete any and all treatment recommended in the evaluation; (3) that Linda Lozano provides a release authorizing OPP to have access to records of any and all evaluation and any and all subsequent treatment undertaken; (4) that the cost of conformance to all reinstatement requirements will be the responsibility of Linda Lozano; (5) and submission of a new application, provided by OPP, and having Linda Lozano's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP).

DATED This ~~28~~ 15th day of ~~March~~ April, 2005.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington

Marcia L. Riggers

Marcia L. Riggers
Assistant Superintendent
Student Support and Operations

Stipulated to and approved
For entry:

Linda Lozano

Linda Lozano, Respondent

my signature does not indicate agreement with the statements in this document.

Eric Hansen, Attorney for Respondent
WSBA # 14733