



# 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 )  
)  
)  
PATRICIA DUNCAN )  
Certificate No. 349784R )  
\_\_\_\_\_ )

OPP No. D05-02-011

AGREED ORDER  
OF SUSPENSION

**RECEIVED**

JUL 17 2008

OFFICE OF PROFESSIONAL PRACTICES

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 Patricia Duncan, that the Washington Education Certificate, No. 349784R, of Patricia Duncan, shall be suspended, based on the Findings of Fact and Conclusions of Law set forth below:

### FINDING OF FACTS

1. Patricia Duncan was issued a Washington Education Certificate, No. 349784R, on November 13, 1996. That certificate currently remains valid.
2. Patricia Duncan was employed by the Shoreline School District.

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3. On December 21, 2005, the Office of Professional Practices, within OSPI, received a complaint letter from the Superintendent of the Shoreline 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 Patricia Duncan.


4. During the later part of October or early November of 2004, Patricia Duncan was observed striking the side of the face of a fifteen year old, special education student, S.L. while waiting near the bus loading area of the school. Patricia Duncan stated "You didn't see that" to the Para-Educator who observed the contact to the students face. In an interview with an OPP investigator, Ms. Duncan stated that the contact had been by accident, when the boy had turned at the same time her hand had slipped from his shoulder, and her statement to the Para Educator had been, "You didn't see what you thought you saw".

5. During the fall of the 2004 school year, Patricia Duncan became upset with special education student, W.D., and pushed him into a room with Para Educator while he was in an escalated state, and stated "Get in there!" or "There you go!" and proceeded to close the door and walk away, leaving the student to be calmed down by the classified staff.

6. In the fall of the 2004 Patricia Duncan in talking to one of her special education students in from of Para Educator Jacob Olsen, called the student, "*You idiot*" and then corrected saying, "*Oh, I mean mentally retarded boy.*" In an interview with an OPP investigator, Ms. Duncan admitted to making that statement, but said that it was said as a way of testing the Para, Jacob Olsen's P.C. Awareness, to see what he would do.

7. On November 17, 2004, Patricia Duncan was placed on paid administrative leave.

8. On January 3, 2005, Patricia Duncan was notified by Acting Superintendent, Linda Johnson that she would be suspended for thirty (30) days without pay, beginning Monday, January 3, 2005; ordered to participate in an anger management evaluation; participate in all recommendations by the mental health evaluator; provide a written "safe to work with students" letter from her treatment provider after completion; be "closely monitored" on her return to the classroom by her principal and the district's Special Education Director to assure appropriate behavior towards students and staff, and that if it were determined that she had been verbally or physically abusive to any students or staff after her return, the District would recommend termination from employment.



10. During February of 2005, Ms. Duncan returned to teaching at the Shoreline School District.

11. On November 16, 2005 during a school wide fire drill, Patricia Duncan used inappropriate physical force with a high school special education student, M.B.

12. On November 21, 2005 Patricia Duncan was placed on paid administrative leave.

13. On December 8, 2005, the Shoreline School District issued a "Notice of Probable Cause for Discharge" to Patricia Duncan.

14. On February 3, 2005, the Office of Professional Practices, within OSPI, received a second complaint letter from the Superintendent of the Shoreline 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 Patricia Duncan.

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

**CONCLUSIONS OF LAW**

1. OSPI has jurisdiction over Patricia Duncan and over the subject matter of this action.
2. OSPI has shown by clear and convincing evidence that Washington Education Certificate, No. 349784R, of Patricia Duncan, should be suspended as provided for in WAC 181-86-070.
3. Patricia Duncan has violated WAC 181-87.060; 181-86.013 and 181-86-014.

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**ORDER**

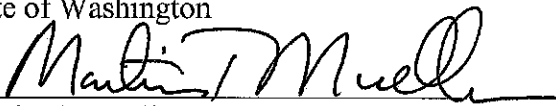
THEREFORE, it is hereby ordered and agreed that the Washington Education Certificate, No. 349784R, of Patricia Duncan, be suspended for twelve (12) months from the date of entry of this Order.

Reinstatement shall require adherence to the following stipulations:

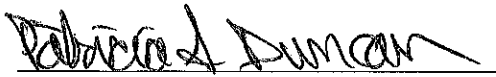
(1) Successful completion of a psychological evaluation, and any recommended counseling and/or training, which validates Patricia Duncan's ability to have unsupervised access to children, by an evaluator mutually agreed upon by the Office of Professional Practices (OPP) and Patricia Duncan; (2) successful completion of a drug and alcohol evaluation, and any recommended counseling and/or treatment by an evaluator mutually agreed upon by the Office of Professional Practices (OPP) and Patricia Duncan; (3) that Patricia Duncan 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 Patricia Duncan; (5) submission of a new application, provided by OPP, and having Patricia Duncan's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP). Reinstatement shall be also contingent upon Patricia Duncan's fingerprint background check returning with no criminal convictions that are listed in WAC 181-86-013, RCW 28A.410.090.


DATED This 18<sup>th</sup> day of July, 2008.

DR. TERRY BERGESON  
Superintendent of Public Instruction  
State of Washington

  
Martin T. Mueller  
Assistant Superintendent  
Student Support

Stipulated to and approved  
For entry:

  
Patricia Duncan, Respondent

  
Michael Gawley, Attorney for Respondent  
WSBA #22110

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