



# 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 )  
 )  
Colleen Kennedy )  
Certificate No. 282209F )  
 )

OPP No. D03-01-012

AGREED ORDER  
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 Colleen Kennedy, that the Washington Education Certificate, No. 282209F, of Colleen Kennedy, shall be suspended, based on the Findings of Fact and Conclusions of Law set forth below:

### FINDINGS OF FACT

1. Colleen Kennedy was issued a Washington Education Certificate, No. 282209F, on September 25, 1987. That certificate currently remains valid.
2. Colleen Kennedy is employed by the Arlington Public Schools.
3. On January 13, 2003, the Office of Professional Practices, within OSPI, received a complaint letter alleging a lack of good moral character or personal fitness, or a violation of the

COLLEEN KENNEDY  
AGREED ORDER OF SUSPENSION

Code of Professional Conduct, Washington Administrative Code (WAC) 180-87, by Colleen Kennedy.

4. During the first semester of the 2002/03 school year, Colleen Kennedy kicked a 13 year old female autistic student (Student "A") after being struck by Student A herself, and used Student A's hand to strike herself, and inappropriately disciplined of Student A and another student, Student B. Colleen Kennedy failed to follow the federal or state laws regarding IEP's and/or treatment of special education students.

5. On December 5, 2002, Colleen Kennedy was placed on administrative leave until December 13, 2002.

6. On January 9, 2003, the Arlington Public Schools issued a notice of probable cause to suspend Colleen Kennedy for nine (9) days. Colleen Kennedy grieved said disciplinary action claiming there was not just or sufficient cause for the same. The District and Colleen Kennedy agreed to resolve the grievance by reducing the suspension to four (4) days. Colleen Kennedy presently remains a certificated employee of the Arlington Public Schools.

7. As part of a settlement agreement with the Arlington Public Schools, Colleen Kennedy completed five (5) sessions of anger management therapy.

8. On January 14, 2004, the Arlington Municipal Prosecutor's Office charged Colleen Kennedy with the criminal charge of Assault 4<sup>th</sup> Degree. The victim of the assault was Student

A. On April 5, 2004, Colleen Kennedy accepted a Stipulation and Order for Stay of Proceedings in the City of Arlington Municipal Court.

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

**CONCLUSIONS OF LAW**

1. OSPI has jurisdiction over Colleen Kennedy and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate, No. 282209F, of Colleen Kennedy, should be suspended as provided for in WAC 180-86-070.

3. Colleen Kennedy 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. 282209F, of Colleen Kennedy, be suspended for a period of six (6) months commencing June 25, 2005 and continuing to December 25, 2005. Reinstatement of the Washington Education Certificate is conditioned upon Ms. Kennedy providing a psychological evaluation summary from an agreed upon therapist that affirms that she does not have a behavioral problem that endangers the educational welfare or personal safety of students, teachers or other colleagues in the educational setting. OSPI will not unreasonably withhold agreement as to the therapist to provide the evaluation.

DATED This 9<sup>th</sup> day of May, 2005.

DR. TERRY BERGESON  
Superintendent of Public Instruction  
State of Washington

Stipulated to and approved

For entry:

Colleen Kennedy  
Colleen Kennedy, Respondent

Marcia L. Riggers

Marcia L. Riggers  
Assistant Superintendent  
Student Support and Operations

D.M. Wartelle  
Douglas M. Wartelle, Attorney for Respondent  
WSBA # 25267