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# SUPERINTENDENT OF PUBLIC INSTRUCTION

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**Randy I. Dorn** Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

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RE: Byron Burns  
OSPI Case No.: D16-05-021  
Document: Mandatory Permanent Revocation

Regarding your request for information about the above-named educator; attached is a true and correct copy of the document on file with the State of Washington, Office of Superintendent of Public Instruction, Office of Professional Practices. These records are considered certified by the Office of Superintendent of Public Instruction.

Certain information may have been redacted pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was redacted, if any, please contact:

OSPI Public Records Office  
P.O. Box 47200  
Olympia, WA 98504-7200  
Phone: (360) 725-6372  
Email: [PublicRecordsRequest@k12.wa.us](mailto:PublicRecordsRequest@k12.wa.us)

You may appeal the decision to withhold or redact any information by writing to the Superintendent of Public Instruction, OSPI P.O. Box 47200, Olympia, WA 98504-7200.



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IN THE MATTER OF THE EDUCATION	)	
CERTIFICATE OF	)	OPP No. D16-05-021
	)	
BYRON K. BURNS	)	FINAL ORDER OF
Certificate No. 469005C	)	MANDATORY PERMANENT
	)	REVOCATION
	)	

## INTRODUCTION

After receiving and investigating a complaint from Lake Quinault School District (“the School District”) regarding the above referenced educator, and based upon the facts available as of the date of this Proposed Order, the Superintendent of Public Instruction, through his undersigned designee, institutes this proceeding and finds, as described below, that the Educator engaged in acts of unprofessional conduct to include WAC 181-86-013(1).

### I. FINDINGS OF FACT

1. On January 21, 2010, the Educator was issued Washington Education Emergency Substitute Certificate, No. 469005C. That certificate currently remains valid, and it will expire on June 30, 2018.

#### Criminal Investigation and Prosecution

2. On April 19, 2016, the Educator was arrested by the Grays Harbor Sheriff’s Office for criminal charges of molestation in the third degree and incest in the first degree (RCW 9A.44.089, and RCW 9A.64.020).

3. On April 20, 2016, a criminal complaint was filed in the Superior Court of Washington for Grays Harbor County, Cause # 16-1-188-5, accusing the Educator of the crimes of child molestation in the third degree, incest in the second degree, and incest in the third degree (RCW 9A.44.089, RCW 9A.64.020(2)(a), and RCW 9A.64.020(1)(a)).
4. On August 8, 2016, an amended criminal complaint was filed in the Superior Court of Washington for Grays Harbor County, Cause # 16-1-188-5, amending the charges to child molestation in the third degree and tampering with a witness. (RCW 9A.44.089, and RCW 9A.72.120(1)).
5. On August 8, 2016, the Educator executed a plea agreement, by entering a plea of guilty for the criminal charges of child molestation in the third degree and tampering with a witness (RCW 9A.44.089, and RCW 9A.72.120(1)).
6. On September 16, 2016, the Educator was sentenced to fourteen (14) months confinement on the crime of child molestation in the third degree and eight (8) months for the crime of tampering with a witness, to be served concurrently, in the custody of the Department of Corrections.
7. The Educator, through his attorney, has been offered an opportunity to respond to the allegations of misconduct, as per RCW 28A.410.090. As of the date of this Order, the Educator has not responded to the Office of Professional Practices.
8. The Educator has pleaded guilty or been convicted of a crime listed in RCW 28A.410.090(4). Such a plea or conviction authorizes OSPI to permanently revoke Education Certificate number, 469005C, of Byron K. Burns.

## II. CONCLUSIONS OF LAW

1. Chapter 28A.410 RCW gives the Professional Educator Standards Board the authority to develop regulations determining eligibility for and certification of personnel employed in the common schools of the state of Washington. OSPI acts as the administrator of those statutes and regulations and has the authority to issue, reprimand, suspend, and revoke education certificates. RCW 28A.410.010; RCW 28A.410.090. Chapters 181-86 and 181-87 of the Washington Administrative Code (WAC) further implement OPSI's authority.
2. OSPI has jurisdiction over the Educator and the subject matter discussed herein.
3. The Educator lacks good moral character and personal fitness pursuant to WAC 181-86-013 and WAC 181-86-014.
4. There is clear and convincing evidence that the Educator is not of good moral character or personal fitness. WAC 181-86-170.
5. Pursuant to WAC 181-86-080 eleven (11) factors, at a minimum, are to be considered to determine the appropriate level and range of educator discipline:
  1. The seriousness of the act(s) and the actual or potential harm to persons or property;
  2. The person's criminal history including the seriousness and amount of activity;
  3. The age and maturity level of participant(s) at the time of the activity;
  4. The proximity or remoteness of time in which the acts occurred;
  5. Any activity that demonstrates a disregard for health, safety or welfare;
  6. Any activity that demonstrates a behavioral problem;
  7. Any activity that demonstrates a lack of fitness;
  8. Any information submitted regarding discipline imposed by any governmental or private entity as a result of acts or omissions;
  9. Any information submitted that demonstrates aggravating or mitigating circumstances;
  10. Any information submitted to support character and fitness; and
  11. Any other relevant information submitted.

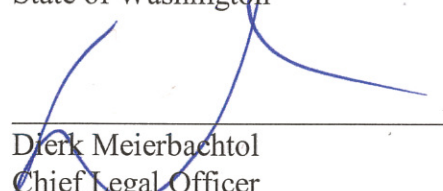
6. Based on the foregoing facts and considering them in light of the eleven factors enumerated in WAC 181-86-080, and in light of WAC 181-86-075 (Grounds for Issuance of an Order of Revocation), RCW 28A.410.090(4)(c), WAC 181-86-013, and WAC 181-86-014, Byron Burns's education certificate should be permanently revoked for unprofessional conduct and a felony sex offense.

III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 469005C, of Byron K. Burns be permanently revoked.

DATED This 5<sup>th</sup> day of January, 2017, 2016.

RANDY I. DORN  
Superintendent of Public Instruction  
State of Washington

  
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Dierk Meierbachtol  
Chief Legal Officer  
Office of Superintendent of Public Instruction