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## SUPERINTENDENT OF PUBLIC INSTRUCTION

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

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RE: Larry Russell  
OSPI Case Number: D17-07-071  
Document: Agreed Order of Suspension

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.



# SUPERINTENDENT OF PUBLIC INSTRUCTION

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IN THE MATTER OF THE EDUCATION )  
CERTIFICATE OF )  
LARRY RUSSELL )  
Certificate No. 329972D )  
\_\_\_\_\_ )

OPP No. D17-07-071  
AGREED ORDER  
OF SUSPENSION

After receiving and investigating a complaint from Prosser School District (“School District”), regarding the above referenced educator, and based upon the facts available as of the date of this Agreed Order, the Superintendent of Public Instruction, through his undersigned designee, does hereby stipulate, by and between, the Office of Superintendent of Public Instruction, the Office of Professional Practices, and LARRY RUSSELL (“Educator”), that the Educator engaged in acts of unprofessional conduct to include WAC 181-87-050 and that the Educator’s Washington Education Certificate No. 329972D shall be SUSPENDED for not less than thirty (30) days with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

## I. FINDINGS OF FACT

1. On May 17, 1994, the Educator, was issued Washington Education Certificate, No. 329972D. The Educator has a Substitute Teaching Certificate with no expiration date.
2. During the 2016–2017 school year, the Educator was employed by the Mabton School District as a math teacher at Mabton Junior Senior High School.

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LARRY RUSSELL  
AGREED ORDER OF SUSPENSION

3. On July 18, 2017, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint from Dr. Ray Tolcacher, Superintendent of the School District, alleging that the Educator has committed unprofessional conduct pursuant to WAC 181-87 for falsifying information and material facts on his application for employment with the School District.

4. On September 10, 2010, the Educator was issued a Written Reprimand by Gary Olson, Columbia Basin College Interim Dean for Math & Science, for including inappropriate and offensive statements in a work related email addressed to a female student.

5. On September 29, 2011, the Educator was placed on administrative leave by Camilla Glatt, Columbia Basin College Vice President for Human Resources & Legal Affairs, pending an investigation into allegations of violating the College’s sexual harassment policy.

6. On October 19, 2011, the investigation report was completed and sent to Dr. Richard Cummins, Columbia Basin College President. The report concluded that the Educator had violated the College’s Standards of Conduct: through his treatment of three co-workers; having engaged in sexual harassment of one co-worker; and engaging in inappropriate use of the College’s IT system.

7. On October 21, 2011, Dr. Richard Cummins notified the Educator that if he did not resign his employment, a recommendation for termination would be referred to the College’s Dismissal Review Committee. After receiving this notification, the Educator submitted his resignation the same day.

8. In August 2012, the Educator completed an application for employment with the Mabton School District. On the form, the Educator falsely answered *No* to the questions of, “Have you ever been disciplined or discharged or have you ever resigned in lieu of discipline or discharge?” and “Have you ever been disciplined by a past or present employer for misconduct?”

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9. On February 4, 2015, the Educator received a Letter of Reprimand from Caleb Oten, Mabton Junior Senior High School Principal, for making an inappropriate comment to a student.
10. On November 23, 2015, the Educator received a Letter of Reprimand from Caleb Oten, Mabton Junior Senior High School Principal, for making an inappropriate comment to a student.
11. In April of 2017, the Educator submitted an application for employment with the Prosser School District. On the application, the Educator falsely:
  - a. Stated the reason for leaving employment with Columbia Basin College was “Went back to school for engineering and automotive technology.”;
  - b. Answered *No* to the question of “Have you ever resigned or otherwise separated employment in order to avoid discharge or non-renewal?”;
  - c. Answered *No* to the question of “Have you ever been disciplined for misconduct by a past or present employer?”
12. On April 24, 2017, the Educator submitted his resignation from the Mabton School District, effective the end of the 2016–2017 school year.
13. On April 27, 2017, Dr. Ray Tolcacher, Prosser School District Superintendent, sent the Educator a letter notifying him of his approval for employment during the 2017–2018 school year.
14. On June 21, 2017, the Educator participated in a meeting with Dr. Tolcacher and Kevin Lusk, Prosser High School Principal, to discuss the Educator’s answers on his Prosser School District application for employment.
15. On June 28, 2017, Dr. Tolcacher sent the Educator a letter rescinding any and all offers of employment with the Prosser School District.
16. In August of 2017, the Educator submitted an application for employment with the Grandview School District.

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17. On the Grandview application, the Educator answered *Yes* to the questions of, “Have you ever resigned from or otherwise left employment while allegations of misconduct were pending?” and, “Have you ever been disciplined by a past or present employer because of misconduct?” The Educator answered *No* to the question of, “Are you currently or have you ever been the subject of any investigation or inquiry by an employer because of allegations of misconduct?”

## 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 OSPI’s authority.
2. OSPI has jurisdiction over the Educator and the subject matter of this action.
3. The Educator committed acts of unprofessional conduct pursuant to WAC 181-87-050 by falsifying material facts on applications for employment with more than one Washington public school district.
4. There is a clear and convincing evidence that the Educator committed acts of unprofessional conduct pursuant to WAC 181-86-170.

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5. Pursuant to WAC 181-86-080, eleven 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 181-86-070, WAC 181-87-050 the Educator's education certificate should be suspended for unprofessional conduct and/or a behavioral problem which endangers the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting.

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### III. ORDER

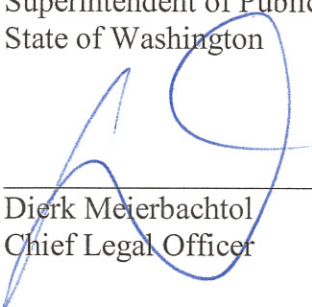
THEREFORE, it is hereby ordered and agreed that the Washington Education Certificate, No. 329972D of Larry Russell is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for at least thirty (30) days from the effective date of this ORDER.

**REINSTATEMENT** of Larry Russell's education certificate shall require:

- (1) The Educator must submit a new application, including Character and Fitness Supplement, provided by OPP;
- (2) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigations and the Washington State Patrol;
- (3) The Educator's fingerprint background check must return with no criminal convictions, occurring after the date of issuance of a Final Order of Suspension, that are listed in WAC 181-86-013, RCW 28A.410.090, or any felony convictions;
- (4) The Educator shall assume all costs of complying with the requirements of this Order.

DATED this 31<sup>st</sup> day of October, 2018.

CHRIS REYKDAL  
Superintendent of Public Instruction  
State of Washington

  
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Dierk Meierbachtol  
Chief Legal Officer

Stipulated to and approved  
For entry:

  
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Larry Russell, Respondent