



SUPERINTENDENT OF PUBLIC INSTRUCTION

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

RE: Doug Hicks
OSPI Case Number: D17-05-041
Document: Final 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

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)
)
DOUGLAS HICKS)
Certificate No. 268935D)
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OPP No. D17-05-041

FINAL ORDER
OF SUSPENSION

After receiving and investigating a complaint from Reardan-Edwall School District (“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 DOUGLAS HICKS (“Educator”) engaged in acts of unprofessional conduct to include WAC 181-87-060, and does hereby SUSPEND the Educator’s Washington Education Certificate No. 268935D for not less than nine (9) months with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On July 27, 1985, the Educator was issued Washington Education Certificate No. 268935D. The Educator’s certificate will expire on June 30, 2020.

2. During the 2016–2017 school year, the Educator was employed by the School District at Reardan Elementary School as a Physical Education teacher.

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DOUGLAS HICKS
FINAL ORDER OF SUSPENSION

3. On May 1, 2017, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint from Marcus Morgan, the Superintendent of the School District, alleging that the Educator committed unprofessional conduct pursuant to WAC 181-87 for instructing a female student to follow him into a room in order to rub his back.

4. The Educator has not had previous disciplinary action with OPP.

5. On December 5, 1995, the Educator received a reprimand from Bonnie Long, Reardan High School Athletic Director, for failure to obtain recertification of his First Aid and CPR card per WIAA rules for athletic coaches.

6. On March 21, 1997, the Educator received a letter from Bonnie Long, Reardan High School Athletic Director, placing him on probation as an assistant basketball coach for the 1997–1998 school year. The Educator was placed on probation for:

- a. Unsportsmanlike conduct at basketball tournaments;
- b. Overstepping his boundaries as an assistant coach with the head coach;
- c. A school/district concern about an “air of arrogance” with the team.

7. On May 4, 1999, the Educator received a Written Record of Oral Warning from Dwight Cooper, Reardan Elementary School Principal, for directing a student away from other students by pulling on the student’s shirt. The Educator was cautioned not to touch students he is correcting for behavior.

8. On October 18, 2000, Mr. Cooper sent the Educator a memo regarding proper procedures for students excused from physical education (PE) activities. The memo was issued after the Educator had a female student participate in PE activities after she provided a doctor’s note excusing her from PE.

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9. On March 23, 2001, the Educator received a Written Record of Verbal Warning from Mr. Cooper for making an inappropriate comment to a 6th grade male student.

10. On November 7, 2003, the Educator received a 3-day suspension with pay from Bryce Wilson, Reardan Junior High School Principal, for an incident apparently involving providing candy to students that occurred on October 31, 2003. The suspension letter stated, “[O]ver the last four years there has been one other instance of you touching or having inappropriate contact with individuals. You were warned and reprimanded on that previous occasion. I take the step of suspension with pay because a problem exists that has not been remedied by previous methods. Furthermore, you are directed to cease inappropriate contact with or touching of students and to avoid allowing students to touch you.”

a. On November 24, 2003, the Educator submitted a letter in response.

b. In the letter, the Educator stated that he had given candy to two (2) female students earlier in the day but did not give candy to a third female when asked. The Educator denied any physical contact with the students occurred.

11. On December 6, 2006, Mr. Cooper sent the Educator a memo discussing concerns female students had with the Educator’s actions. In the letter, Mr. Cooper instructed the Educator to not allow students in his office when he was present, be respectful to the sensitivity of students, be vigilant and cautious about potentially questionable touching of students and maintaining comfortable body space between himself and students, and not provide candy or gum to students.

12. On May 31, 2007, Mr. Cooper sent the Educator a memo discussing the Educator applying a topical medication to a female student. The Educator was directed to no longer apply medication to students.

13. On November 20, 2009, Mr. Cooper sent the Educator a memo about the Educator leaving campus early and not participating in parent conferences.

14. On December 9, 2010, Mr. Cooper issued the Educator a Written Warning for leaving campus early and not participating in parent conferences.

15. On September 10, 2013, the Educator completed the *What Every Employee Must be Told* training provided by the Washington School Personnel Association.

16. On September 30, 2014, Mr. Cooper issued the Educator a Verbal Warning for making an inappropriate comment to a 5th grade male student.

17. On June 6, 2016, Mr. Cooper issued the Educator a Verbal Warning regarding Maintaining Appropriate Boundaries with Students and Parents. As part of the warning, the Educator was directed to:

- a. Not give students shoulder rubs or allow students to rub your shoulders or back;
- b. Not allow students into his office except to use the office bathroom with the Educator in the gym;
- c. Not to give away gum, candy, or school equipment;
- d. Maintain a professional tone when talking with parents/guardians;
- e. Not use the name of non-custodial students;
- f. Maintain student confidentiality;
- g. Not share hearsay and rumors.

18. During at least the 2015–2016 and 2016–2017 school years, the Educator touched the bottoms of two female students, Student A and Student B.

19. In September 2016, Student A, a 5th grade female student, asked the Educator for assistance tying her shoe. The Educator rubbed Student A’s exposed lower leg and commented that her leg was hairy and she needed to start shaving.

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20. On September 27, 2016, Mr. Cooper issued the Educator a Letter of Counsel. In the letter, the Educator was directed, “[U]nless it is a first aide (sic) situation, do not touch students, and if it is a female student not needing immediate first aide (sic) assistance, please have the female staff member, assigned as your assistant, assist female students.”

21. In or about the first week of December 2016, the Educator instructed Student C, a 5th grade female student, to go into the equipment room of the elementary school gym with him.

a. The Educator closed the door to the room after he and Student C entered. The door was locked to outside access.

b. The Educator instructed Student C to rub a spot on his back.

22. On December 15, 2016, Mr. Cooper informed the Educator he was investigating an allegation that the Educator had been locked in a room with a student. Shortly after, the Educator called the classroom where Student C was, asked to speak with Student C, and spoke with her until Mr. Cooper came into the room and instructed Student C to end the phone call.

23. On December 15, 2016, Mr. Cooper verbally informed the Educator he was on administrative leave.

24. On or about December 16, 2016, Mr. Morgan, Superintendent of the School District, sent the Educator a letter placing the Educator on administrative leave.

25. On March 28, 2017, the Educator signed a Separation Agreement and Release and submitted his resignation, effective August 31, 2017.

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26. On July 17, 2018, the Educator participated in an interview with OPP. During his interview, the Educator stated, among other things:

- a. He had been sitting in the bleachers and as he walked across the gym, he had a back spasm. He then asked Student C to come with him.
- b. After entering the equipment/ball room, he asked Student C to “do me a favor and rub this spot right here”.
- c. The Educator has stated he chose Student C rather than an adult teaching assistant because Student C had told him in the past she had given her dad back massages.
- d. At the time of the incident, he did not think the interaction was inappropriate. He stated that he was in a large amount of pain.

27. As of the date of this order, the Educator is not employed as a teacher in the state of Washington.

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 181-87-060.

4. There is a clear and convincing evidence that the Educator committed acts of unprofessional conduct pursuant to WAC 181-86-170.

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 and WAC 181-87-060, the Educator's education certificate should be suspended for unprofessional conduct.

III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 268935D of DOUGLAS HICKS is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for at least nine (9) months from the effective date of this ORDER.

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REINSTATEMENT of Douglas Hicks' education certificate shall require:

- (1) In addition to any mandatory continuing education, the Educator must successfully complete an in-person MAINTAINING BOUNDARIES course, preapproved by OSPI. The Educator will provide OSPI proof of completion of the course prior to requesting reinstatement;
- (2) The Educator must submit a new application, including Character and Fitness Supplement, provided by OPP;
- (3) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigation and the Washington State Patrol;
- (4) 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;
- (5) The Educator shall assume all costs of complying with the requirements of this Order.

DATED this 4th day of April, 2019.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington

Signed: Dierk Meierbachtol
Chief Legal Officer