



SUPERINTENDENT OF PUBLIC INSTRUCTION

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IN THE MATTER OF THE EDUCATION)	
CERTIFICATE OF)	OPP No. D19-06-055
)	
MATTHEW BRKLJACICH)	FINAL ORDER
Certificate No. 276721H)	OF SUSPENSION
_____)	

After receiving and investigating a complaint from Winlock 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 MATTHEW BRKLJACICH (“Educator”) engaged in acts of unprofessional conduct to include WAC 181-87-055, and does hereby SUSPEND the Educator’s Washington Education Certificate No. 276721H for not less than twelve (12) months, with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On December 12, 1986, the Educator was issued Washington Education Certificate No. 276721H. The Educator’s certificate will expire on June 30, 2022.
2. During the 2018–2019 school year, the Educator was employed by the School District at Winlock Middle School as a Science teacher.

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3. On May 31, 2019, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint from Rick Serns, the Superintendent of the School District, alleging the Educator committed unprofessional conduct pursuant to WAC 181-87 for being under the influence of alcohol on school premises in violation of WAC 181-87-055.

4. During the 2009–2010 and 2010–2011 school years, the Educator was employed with the Woodland School District.

5. On November 2, 2009, the Educator was issued a Written Reprimand by Dr. Cari Thomson, Woodland Middle School Principal, for speaking to her in an elevated voice in the presence of staff and students and for refusing to comply with her verbal directives.

6. On September 13, 2010, at a morning all-district staff meeting, more than one person detected the odor of alcohol upon the Educator’s breath. The Educator provided samples of his breath for a portable breath test (PBT) instrument to measure blood-alcohol level; which was measured at a blood-alcohol level of .071. The Educator was placed on administrative leave.

7. On September 14, 2010, the Educator was issued a Written Reprimand by Dr. Thomson. The Educator also signed a Last Chance Agreement on September 20, 2010.

8. On September 22, 2010, the Educator participated in an Alcohol/Drug Assessment process. The resultant opinion was, “Based on the exchange of information, it is my clinical opinion that”, the Educator, “presents with insufficient evidence of alcohol/drug abuse or alcohol/drug dependence.” The Educator was recommended to attend an eight (8) hour Alcohol/Drug Information School.

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9. On September 22, 2010, while participating in the Alcohol/Drug Assessment program, the Educator withheld pertinent information regarding his July 28, 2005, and December 10, 2006, arrests for Driving Under the Influence, Revised Code of Washington (RCW) 46.61.502. Clark County District Court Case No. 555483 WSP and Cowlitz County District Court Case No. 6003707

10. On November 6, 2010, the Educator successfully completed the required eight (8) hours of Alcohol/Drug Information School.

11. On the morning of November 19, 2010, Woodland School District educators again detected alcohol upon the Educator's breath. The Educator provided samples of his breath to a PBT to determine blood-alcohol content; which resulted in a reading of .028.

12. On November 22, 2010, the Educator was issued a Notice of Probable Cause for Discharge. On November 30, 2010, the Educator appealed the Notice of Probable Cause for Discharge.

13. On November 24, 2010, the Office of Professional Practices (OPP), within OSPI, received a complaint letter from Michael Z. Green, the Superintendent of the Woodland School District, alleging that the Educator had violated WAC 181-87-055(1). OPP initiated an investigation; OPP case number D10-11-066.

14. On March 2, 2011, the Educator entered into a Settlement Agreement with the Woodland School District; resigning his employment effective August 31, 2011.

15. On February 8, 2012, the Educator participated in an interview with OPP. The Educator, when asked about the incidents of the odor of alcohol on his breath, stated, "I only claim that I showed up to work with a residual amount of alcohol in my system from the night." The Educator denied consuming any alcohol or other intoxicating liquor prior to the start of or during the school day on September 13, 2010, and November 19, 2010.

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16. On August 28, 2012, OPP issued the Educator a Proposed Order of Suspension for a period of twelve (12) months. On September 13, 2012, the Educator filed an appeal of the Proposed Order of Suspension.

17. On September 21, 2012, OPP issued the Educator an Amended Proposed Order of Suspension for a period of twelve (12) months.

18. On November 19, 2012, after an informal hearing held in front of the Admissions and Professional Conduct Advisory Committee (APCAC), the Educator was issued a Final Order of Reprimand. The Final Order of Reprimand included a requirement that the Educator, within sixty (60) days of receipt of the Final Order of Reprimand, show successful completion of or continued compliance in an alcohol treatment program. The Final Order of Reprimand was not appealed.

19. On May 31, 2013, OPP received written verification that the Educator had successfully completed an alcohol treatment program.

20. On September 25, 2018, the Educator left Winlock Middle School campus during his planning period without notifying administration. Soon after his return to campus, Dennis Tauscher, Winlock Middle School assistant principal, detected an alcohol odor upon the Educator. The Educator was instructed to remain on campus in order to be transported to a clinic to submit a sample of his breath to determine blood-alcohol content. The Educator refused to provide a sample of his breath and left campus.

21. On October 4, 2018, the Educator was issued a one (1) day suspension without pay for refusal to comply with an administrative directive.

22. On the afternoon of March 13, 2019, the Educator met with Tori Nelson, School District teacher and Winlock Education Association President, to prepare for a meeting with Mr. Tauscher to sign a plan of improvement. During the meeting, Ms. Nelson detected alcohol upon the Educator's breath. Ms. Nelson informed Mr. Tauscher.

23. Mr. Tauscher informed the Educator there was suspicion he had alcohol in his system, that he would soon be transported to a local clinic for a blood-alcohol test, and to wait in his classroom for that transportation. The Educator left campus without notification or permission and did not provide a sample of his breath or blood to determine blood-alcohol concentration.

24. On March 19, 2019, the Educator submitted a resignation letter to the School District, effective at the end of the school year. The Educator was on administrative leave until the end of the school year.

25. On April 26, 2021, the Educator participated in an interview with OPP. During his interview, the Educator denied ever leaving School District grounds to drink an alcoholic beverage, denied ever drinking an alcoholic beverage during a school day, and denied ever drinking an alcoholic beverage prior to the start of a school day. The Educator also stated that after leaving the School District, he completed a program at a rehabilitation facility in Colorado.

26. As of the date of this Order, OPP has not received proof of completion of an alcohol/substance abuse program by the Educator.

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.

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3. The Educator committed acts of unprofessional conduct pursuant to WAC 181-87-055 for being under the influence of an intoxicating liquor on school premises after previous OPP disciplinary action for violation of WAC 181-87-055(1).

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, WAC 181-87-055, 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

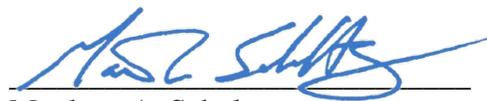
THEREFORE, it is hereby ordered that the Washington Education Certificate No. 276721H of MATTHEW BRKLJACICH is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for at least twelve (12) months from the effective date of this ORDER.

REINSTATEMENT of Matthew Brkljacich's education certificate shall require:

- (1) The Educator must successfully complete an ALCOHOL/SUBSTANCE ABUSE EVALUATION by a licensed substance abuse evaluation/treatment provider preapproved by OSPI;
- (2) The Educator shall provide written consent for OPP to release documents to the provider for purposes of completing the evaluation;
- (3) The Educator shall sign a consent allowing the examining substance abuse evaluation/treatment provider to provide OPP a summary of the Educator's treatment recommendations, if any, and the results of his evaluation;
- (4) The Educator, if treatment is recommended as a result of the evaluation, shall complete any and all recommended treatment and provide evidence of successful completion or, if continuing treatment is recommended, provide proof of continued compliance in the program to OPP;
- (5) The Educator must submit a new application, including Character and Fitness Supplement, provided by OPP;
- (6) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigation and the Washington State Patrol;
- (7) 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; AND
- (8) The Educator shall assume all costs of complying with the requirements of this Order.

DATED this 28th day of September, 2022.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington



Matthew A. Schultz
Chief Legal and Civil Rights Officer