



SUPERINTENDENT OF PUBLIC INSTRUCTION

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

RE: Bryan Lundgaard
OSPI Case Number: D14-05-042
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)
)
Bryan Lundgaard)
Certificate No. 250963F)
_____)

OPP No. D14-05-042
FINAL ORDER
OF SUSPENSION

INTRODUCTION

After receiving and investigating a complaint from Tacoma Public Schools (Washington) 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 Bryan Lundgaard engaged in acts of unprofessional conduct to include accessing and viewing pornography and dating sites on a school owned laptop computer.

I. FINDINGS OF FACT

1. On July 1, 1982, Bryan Lundgaard, hereafter referred to as Mr. Lundgaard, was issued Washington Education Certificate, No. 250963F. That certificate currently remains valid.
2. On March 22, 2000, the Office of Professional Practices, within the Office of Superintendent of Public Instruction, issued an Agreed Order of Stayed Suspension for Mr. Lundgaard.
 - a. On November 3, 2005, all conditions of the Agreed Order of Stayed Suspension were met and the Order was lifted.

3. During the 2013-2014 school year, Mr. Lundgaard used Tacoma Public Schools computer equipment to access and view images depicting sexually explicit conduct.
 - a. Sexually explicit conduct is defined in Revised Code of Washington (RCW) 9.68A.011(4).
4. Tacoma Public School Regulation# 6973R, Acceptable Use of District Technology Resources, states, the acceptable and acceptable uses of Tacoma Public Schools Technology Resources.
 - a. Use of Tacoma Public Schools technology resources for “accessing, storing, or viewing pornographic, indecent, or otherwise inappropriate material” is a prohibited use.
5. On January 23, 2014, Mr. Lundgaard was placed on administrative leave.
6. On May 8, 2014, Mr. Lundgaard was issued a letter of probable cause for termination from the Tacoma Public Schools.
 - a. Mr. Lundgaard filed a timely appeal of the probable cause for termination.
7. On September 25, 2014, the hearing for Mr. Lundgaard’s appeal commenced.
 - a. On September 25, 2014, Mr. Lundgaard submitted his resignation prior to the completion of the appeal hearing.
8. On May 4, 2016, Mr. Lundgaard participated in an interview with an OPP investigator.
 - a. During the interview, Mr. Lundgaard, among, other comments, admitted to:
 1. Understanding Tacoma Public Schools policies on computer use.
 2. Intentionally using Tacoma Public Schools computer resources to access and view images depicting sexually explicit conduct.

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) WAC 181-86 and WAC 181-87 further implement OPSI's authority.

2. OSPI has jurisdiction over Mr. Lundgaard and the subject matter discussed herein.
3. Mr. Lundgaard committed acts of unprofessional conduct pursuant to WAC 181-87-060.
4. There is clear and convincing evidence that Mr. Lundgaard committed unprofessional conduct. WAC 181-86-170 (Burden and Standard of Proof).
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 (Grounds for Issuance of an Order of Suspension), and WAC 181-87-060, Mr. Lundgaard's education certificate should be suspended for unprofessional conduct.

III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 250963F, of Mr. Lundgaard be suspended for thirty (30) days, and that:

REINSTATEMENT of Mr. Lundgaard's education certificate shall require: (1) submission of a new application, including Character and Fitness Supplement, provided by OPP and having Mr. Lundgaard's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP); and (2) that if Mr. Lundgaard's education certificate expires during the period of suspension, Mr. Lundgaard will show that he meets all academic requirements for renewal/reinstatement of the education certificate. Reinstatement shall also be contingent upon Mr. Lundgaard's fingerprint background check returning 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. The cost of conformance to all reinstatement requirements will be the responsibility of Mr. Lundgaard.

DATED This 12th day of October, 2016.

RANDY I. DORN
Superintendent of Public Instruction
State of Washington

Signed: Dierk Meierbachtol
Chief Legal Officer
Office of Superintendent of Public Instruction