



SUPERINTENDENT OF PUBLIC INSTRUCTION

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

RE: Kennedy Sarmiento
OSPI Case Number: D16-06-039
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)	OPP No. D16-06-039
)	
KENNEDY SARMIENTO)	FINAL ORDER
Certificate No. 517321F)	OF SUSPENSION
)	

After receiving and investigating a complaint from Sunnyside 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 KENNEDY SARMIENTO (“Educator”) engaged in acts of unprofessional conduct to include WAC 181-87-060(1) and WAC 181-87-080(1), and does hereby SUSPEND the Educator’s Washington Education Certificate No. 517321F for not less than one (1) year with conditions enumerated below based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On October 27, 2015, the Educator was issued Washington Intern Substitute Teacher Certificate, No. 517321F. The Educator’s certificate expired on June 30, 2016.
2. During the 2015–2016 school year, the Educator was employed by the School District at Sierra Vista Middle School as a 6th grade math and media tech teacher and assistant high school track coach.

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3. On June 14, 2016, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint from Mr. James M. Chambers, the Interim Superintendent of the School District, alleging that the Educator has committed unprofessional conduct pursuant to chapter 181-87 WAC for having inappropriate contact with a high school student while in the role of an athletic coach.

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

5. The Educator was twenty-three (23) years old at the time of the allegation. He was formerly a student in the School District, and he completed his student teaching within the School District. The Educator lived in his childhood home with his parents during this time.

6. Student A was an eighteen (18) year-old member of the high school track team at the time of the allegation. Student A was friends with the Educator’s younger brother. She spent time at the Educator’s family home as a guest of the Educator’s younger brother.

7. On or about April 8, 2016, Mr. Dustin Crowe, the Sunnyside high school head track coach, received a phone call from Parent A, the mother of Student A. Parent A notified Mr. Crowe that she had acquired Student A’s cell phone and discovered messages from the Educator indicating that the Educator and Student A were engaged in an inappropriate relationship that consisted of meetings outside of school and kissing.

8. On or about April 11, 2016, Ms. Debbie Holwegner, the Executive Director of Human Resources of the School District, sent the Educator a letter placing the Educator on administrative leave.

9. The Educator admitted that he and Student A engaged in contact that did not have an educational purpose. The inappropriate communication lasted between two weeks to one month.

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10. On or about May 2, 2016, the School District received an investigative report from Clear Risk Solutions. The investigation concluded that “The evidence gathered substantiates an allegation that [the Educator] violated the District’s policy regarding maintaining professional boundaries. There is no evidence that the relationship progressed to the point of sexual misconduct beyond kissing.”

11. On or about May 11, 2016, the School District sent the Educator a Notice of Determination of Reasons for Nonrenewal. The Educator was a first year provisional employee. This decision was based on the results of the School District’s investigation into the allegations of a violation of appropriate teacher-student boundaries.

12. 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(1) and WAC 181-87-080(1), when the Educator engaged in inappropriate contact with a student, to include kissing a student on at least three occasions.

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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(1), the Educator's education certificate should be suspended for unprofessional conduct.

III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 517321F of KENNEDY SARMIENTO is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for at least one (1) year from the effective date of this ORDER.

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KENNEDY SARMIENTO
FINAL ORDER OF SUSPENSION

REINSTATEMENT of Kennedy Sarmiento's education certificate shall require:

- (1) The Educator must successfully complete an in-person course on MAINTAINING APPROPRIATE BOUNDARIES, preapproved by OSPI. The Educator will provide proof of completion of the course prior to requesting reinstatement;
- (2) The Educator must undergo an evaluation by a mutually agreed upon mental health professional to determine whether the Educator is safe to be with children in an unsupervised capacity;
- (3) The Educator must complete a psychological evaluation by a mutually agreed upon licensed Psychiatrist. If treatment is recommended, the Educator must successfully complete any and all recommended treatment. The Educator cannot seek reinstatement until all recommended treatment has been successfully completed and the original evaluator determines that the Educator is safe to be with children in an unsupervised capacity;
- (4) The Educator must submit a new application, including Character and Fitness Supplement, provided by OPP;
- (5) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigations and the Washington State Patrol;
- (6) 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;
- (7) The Educator shall assume all costs of complying with the requirements of this Order.

DATED this 11th day of June, 2018.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington

Signed: Dierk Meierbachtol
Chief Legal Officer