



SUPERINTENDENT OF PUBLIC INSTRUCTION

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

RE: Christopher McKay
OSPI Case No.: D15-05-032
Document: Final Order of Revocation

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. D15-05-032
)	
Christopher McKay)	FINAL ORDER
Certificate No. 447184C)	OF REVOCATION
)	

INTRODUCTION

After receiving and investigating a complaint from Franklin Pierce (Washington) School District regarding the above referenced educator, and based upon the facts available as of the date of this Proposed/Final Order, the Superintendent of Public Instruction, through his undersigned designee, institutes this proceeding and finds, as described below, that Christopher McKay engaged in acts of unprofessional conduct to include inappropriate interactions with student/s and sexual misconduct with a student.

I. FINDINGS OF FACT

1. On September 5, 2007, Christopher McKay, hereafter referred to as Mr. McKay, was issued Washington Education Certificate, No. 447184C. That certificate expired June 30, 2015. The actions described in the following Findings of Fact occurred while Washington Education Certificate, No. 447184C, was valid.

Inappropriate Interactions with Student

2. During the 2011-2012 school year, Mr. McKay had inappropriate verbal interactions with A.H., a 10th grade female student.

a. Mr. McKay expressed a romantic/sexual interest in A.H.'s mother to A.H.

1. In September 2011, Mr. McKay gave A.H. his school district business card and asked her to give the card to her mother.

2. Mr. McKay made comments to A.H. about his opinion of her mother's physical appearance.
3. Mr. McKay asked A.H. and her mother to go on differing trips with him.
- b. Mr. McKay made inappropriate comments to A.H. about her romantic interactions or prospective romantic interactions with male students.
- c. Mr. McKay made a comment about A.H.'s physical appearance.
3. Mr. McKay was placed on Administrative Leave on February 13, 2012.
4. On March 6, 2012, Mr. McKay was issued a Letter of Direction for the interactions with A.H.
5. From about April 2014 through January 2015, Mr. McKay was involved in a sexual relationship with A.F., an 11th grade female student.
 - a. A.F. and Mr. McKay exchanged text messages.
 - b. Mr. McKay transported A.F. in his personal vehicle.
 - c. A.F. often went to Mr. McKay's residence.
 - d. Mr. McKay would engage in sexual contact and intercourse with A.F. at his residence, vehicles, and other locations.
 - e. Mr. McKay would tell A.F. after a sexual encounter that he knew the relationship was wrong but continued the relationship.
 - f. Mr. McKay and A.F. exchanged nude photographs of themselves through text messaging.
 - g. A.F. left personal belongings at Mr. McKay's residence.
 1. A.F. retrieved her belongings after an unknown person identifying himself as Mr. McKay's attorney informed her that he had told Mr. McKay to put the belongings outside his front door.
 2. The person identifying himself as Mr. McKay's attorney also instructed A.F. to no longer have contact with Mr. McKay.
 - h. The last time she had contact with Mr. McKay was January 25, 2015, after the contact with the self-identified attorney.

1. A.F. spent the night with Mr. McKay at his residence.
 - i. The relationship with Mr. McKay caused A.F. to engage in self-mutilating behaviors.
 - j. At an unknown date, between April 2014 and February 2015, Mr. McKay's adult girlfriend and roommate, Maria Zenczak, observed A.F. at the residence with Mr. McKay.
6. On January 30, 2015, A.F. reported the sexual relationship with Mr. McKay to Washington High School administration.
 - a. Washington High School administration contacted the Pierce County Sheriff's Office.
7. On February 2, 2015, Mr. McKay was placed on Administrative Leave by the Franklin Pierce School District.
8. On April 2, 2015, Mr. McKay was issued a Notice of Probable Cause for Discharge by the Franklin Pierce School District.
 - a. Mr. McKay did not file an appeal of the Notice of Probable Cause for Discharge.
 - b. On April 30, 2015, Mr. McKay was sent a letter notifying him that his employment with the Franklin Pierce School District was officially terminated.
 - c. On May 29, 2015, the Franklin Pierce School District received a letter from Mr. McKay.
 1. Mr. McKay stated that he acknowledged the employment termination and asked questions about accrued time and his belongings.

Criminal Investigation and Court Actions

9. On January 30, 2015, the Pierce County Sheriff's Office initiated an investigation. Pierce County Sheriff's Office Incident Report No. 150300763
 - a. On February 17, 2015, Mr. McKay was arrested and booked into the Pierce County Jail for six (6) counts of Sexual Misconduct with a Minor.
10. On February 18, 2015, an Information and Declaration for Determination of Probable Cause were filed in Pierce County Superior Court charging Mr. McKay with four (4) counts of

Sexual Misconduct with a Minor 1st Degree, Revised Code of Washington (RCW) 9A.44.093.

Pierce County Superior Court Cause No. 15-1-006683

- a. On March 16, 2016, an Order of Dismissal without Prejudice was filed in Pierce County Superior Court. The charges were dismissed due to victim non-cooperation.

11. OPP has provided Mr. McKay an opportunity to respond to the allegations of misconduct, as required pursuant to RCW 28A.410.090(6).

- a. As of the date of this Order, Mr. McKay has not responded to OPP.

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 Christopher McKay and the subject matter discussed herein.

3. Christopher McKay committed acts of unprofessional conduct pursuant to WAC 181-87-080 and 181-87-060.

4. There is clear and convincing evidence that Christopher McKay 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 181-86-075 (Grounds for Issuance of an Order of Revocation), WAC 181-87-060, WAC 181-87-080, and WAC 181-86-013, -014, Christopher McKay's education certificate should be revoked for unprofessional conduct.

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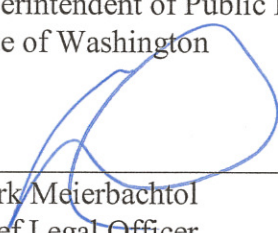
III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 447184C, of Christopher McKay be revoked.

Superintendent of Public Instruction
Office of Professional Practices
PO Box 47200
Olympia, WA 98504

DATED This 30th day of August, 2016.

RANDY I. DORN
Superintendent of Public Instruction
State of Washington



Dierk Meierbachtol
Chief Legal Officer
Office of Superintendent of Public Instruction