



# SUPERINTENDENT OF PUBLIC INSTRUCTION

RANDY I. DORN OLD CAPITOL BUILDING • PO BOX 47200 • OLYMPIA WA 98504-7200 • <http://www.k12.wa.us>

IN THE MATTER OF THE EDUCATION	)	
CERTIFICATE OF	)	OPP No. D09-05-040
	)	
BRIAN KAGAN	)	FINAL ORDER
Certificate No. 356037B	)	OF SUSPENSION
	)	

COMES NOW the Office of Superintendent of Public Instruction (OSPI), under the authority granted by the laws of the state of Washington, having reviewed the file of the above-referenced case, and having considered the entire evidence contained therein, does hereby suspend the Washington Education Certificate No. 356037, of Brian Kagan for twelve (12) months based on the Findings of Fact and Conclusions of Law set forth below:

### FINDINGS OF FACT

1. Brian Kagan was issued a Washington Education Certificate, No. 356037B, on September 11, 1997. That certificate currently remains valid.
2. Brian Kagan is employed by the Olympia School District.
3. On May 26, 2009, the Office of Professional Practices, within OSPI, received a complaint letter from William Lahmann, the superintendent of the Olympia School District alleging a lack of good moral character or personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87, by Brian Kagan.

BRIAN KAGAN  
FINAL ORDER OF SUSPENSION



4. On October 1, 1999, Brian Kagan signed the Olympia School District OSDNet User Access Release Form – Student.
  
5. During the 2008-2009 school year, Brian Kagan used an Olympia School District laptop computer to access and view inappropriate images, including images depicting sexually explicit conduct, as defined in RCW 9.68A.011.
  
6. On April 16, 2009, C.C., a female 9<sup>th</sup> grade student, viewed inappropriate images on Brian Kagan's Olympia School District laptop computer. Brian Kagan was present at the time.
  
7. On April 17, 2009, the Olympia School District initiated an investigation and took possession of the Olympia School District laptop computer issued to Brian Kagan.
  
8. On April 26, 2009, Brian Kagan was placed on paid administrative leave by Beth Schouller, Director of Human Resources.
  
9. On May 11, 2009, Brian Kagan participated in an interview with Olympia School District Assistant Superintendent Kevin Evoy and Olympia School District Human Resources Director Beth Scouller.
  
10. On May 15, 2009, Brian Kagan was suspended for 10 days without pay for Misuse of District Equipment, by Superintendent Bill Lahmann. The suspension was served from April 27, 2009 to May 8, 2009.

11. On June 30, 2010, Brian Kagan interviewed with OPP. On July 20, 2010, OPP received a written response from Brian Kagan.

12. Good moral character and personal fitness is a continuing requirement to maintain a Washington Education Certificate.

**CONCLUSIONS OF LAW**

1. OSPI has jurisdiction over Brian Kagan and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate, No. 356037B, of Brian Kagan, should be suspended as provided for in WAC 181-86-070.

1. Brian Kagan has violated RCW 28A.410.090, WAC 181-87-060, WAC 181-86-013, and/or WAC 181-86-014.

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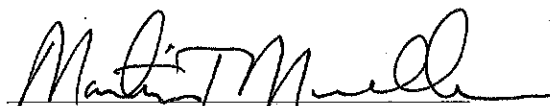
**ORDER**

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 356037B, of Brian Kagan be suspended for twelve (12) months.

**Reinstatement** shall require submission of a new application, including Character and Fitness Supplement, provided by OPP and having Brian Kagan's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP). Reinstatement shall also be contingent upon Brian Kagan's fingerprint background check returning with no criminal convictions that are listed in WAC 181-86-013, RCW 28A.410.090, and/or any felony convictions.

DATED This 8<sup>th</sup> day of September, ~~2009~~ <sup>2010</sup> 9/8/10

RANDY I. DORN  
Superintendent of Public Instruction  
State of Washington

  
Martin T. Mueller  
Assistant Superintendent  
Student Support