



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. D11-09-048
)	
Richard McLarney)	FINAL ORDER
Certificate No. 198096J)	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. 198096J, of Richard McLarney for twelve (12) months based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Richard McLarney was issued a Washington Education Certificate, No. 198096J, on June 8, 1973. That certificate currently remains valid.
2. Richard McLarney was employed by the Seattle Public Schools.
3. On August 25, 2011, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Seattle Public Schools 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 Richard McLarney.

RICHARD MCLARNEY
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4. In March of 2000, a complaint that Richard McLarney struck a male middle school student, M.W., with a hockey stick was investigated. The conclusion was that the "incident may not have taken place as described by the student".

5. On March 25, 2004, Richard McLarney was placed on administrative leave pending investigation that he struck a middle school male student, C.C., on the back and called him a name.

6. On July 30, 2004, an investigative report, incorrectly dated July 30, 2003, was issued by the Seattle Public Schools. Based upon inconsistent statements, the complaint of striking C.C. was determined unfounded.

7. On February 8, 2005, Richard McLarney received a written reprimand for a series of events involving incidents of inappropriate physical contact and inappropriate language towards students. The written reprimand gave directions of the need to model appropriate behavior and responses and an expectation to use appropriate language towards students.

8. On October 11, 2005, a Seattle Police Department incident report was filed by the parent of J.M., a male student of Richard McLarney's, alleging that Richard McLarney grabbed J.M. and threw him to the floor. No criminal charges were pursued. Seattle Police Department incident no. 05-436109

9. On October 12, 2005, Richard McLarney was placed on administrative leave.

10. On November 1, 2005, Richard McLarney was removed from administrative leave and returned to teaching duties.

11. On November 10, 2005, Richard McLarney was issued a Letter of Reprimand for grabbing J.M. by his backpack and physically directing J.M. to the school office. Richard McLarney was directed to attend training on appropriate touching of students and two courses on cultural sensitivity and was instructed "Not to touch students in any way that would cause discomfort or perception of impropriety".

12. On March 13, 2010, Richard McLarney was issued a Letter of Direction/Warning after an allegation that he struck a female student on the buttocks. The incident was determined to have been unintentional.

13. On March 14, 2010, Richard McLarney was issued a Letter of Reprimand for failing to take appropriate action when two students began to engage in an altercation.

14. On January 13, 2011, during a 4th period P.E. class that Richard McLarney was not teaching, Richard McLarney used inappropriate physical contact with a male middle school student, E.A., causing E.A. to fall to the floor. After E.A. was seated on the floor, Richard McLarney used inappropriate language towards E.A.

15. On January 13, 2011, later during 4th period, Richard McLarney threw a small foam rubber ball towards the area E.A. was at.

16. On January 18, 2011, Richard McLarney was placed on administrative leave.
17. On April 8, 2011, Richard McLarney participated in a Loudermill hearing for the Seattle Public Schools.
18. On August 16, 2011, Richard McLarney was issued a Letter of Probable Cause for Termination. Richard McLarney timely appealed the termination. Judge Larry Jordan, Ret., was the hearing officer.
19. On January 25, 2012, Richard McLarney participated in another Loudermill hearing for the Seattle Public Schools.
20. A hearing was held contesting the termination on October 29 and October 20, 2012.
21. On December 27, 2012, Judge Larry Jordan, Ret., issued a Findings of Fact and Conclusion of Law; Final Decision. Judge Jordan, Ret., found that: Richard McLarney's testimony during the hearing was not credible; the testimony of students was credible; and there was a preponderance of the evidence to show that Richard McLarney used inappropriate physical force with E.A. and threw the foam rubber ball at E.A. The termination was upheld.
22. On April 10, 2013, Richard McLarney participated in an interview with an OPP investigator. On May 7, 2013, OPP received Richard McLarney's signed statement.

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Richard McLarney and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate No. 198096J, of Richard McLarney, should be suspended for unprofessional conduct and/or lack of good moral character or personal fitness. RCW 28A.410.090; WAC 181-86-070; WAC 181-87-060; WAC 181-86-013; WAC 181-86-014.

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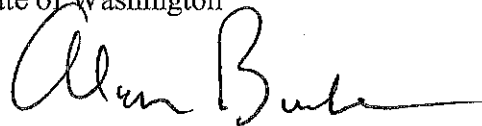
THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 198096J, of Richard McLarney be suspended for twelve (12) months.

REINSTATEMENT will require: (1) successful completion of an anger management evaluation; which is to be provided evaluator mutually agreed upon between Richard McLarney and OPP; (2) that Richard McLarney provide written consent for OPP to release documents to the provider for purposes of completing the evaluation; (3) that Richard McLarney complete any and all treatment recommended as a result of the anger management evaluation; (4) that Richard McLarney will provide OPP with evidence of his/her successful completion of or continued compliance in his/her treatment program and; (5) if requested, Richard McLarney will sign consent forms authorizing OPP to have access to all records pertaining to his/her treatment and to discuss any and all treatment undertaken with the providers administering treatment. The cost of conformance to all reinstatement requirements will be the responsibility of Richard McLarney.

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

DATED This 30 day of October, 2013.

RANDY I. DORN
Superintendent of Public Instruction
State of Washington



Alan Burke, Ed. D
Deputy Superintendent
K-12 Education

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