



SUPERINTENDENT OF PUBLIC INSTRUCTION

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

IN THE MATTER OF THE EDUCATION)
CERTIFICATE OF)
)
ROBERT SWOGGER)
Certificate No. 469754F)
_____)

OPP No. D22-07-041
FINAL ORDER
OF SUSPENSION

After receiving and investigating a complaint from the Raymond 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 ROBERT SWOGGER (“Educator”) engaged in acts of unprofessional conduct to include Washington Administrative Code (WAC) 181-87-060, and does hereby SUSPEND the Educator’s Washington Education Certificate No. 469754F for not less than twenty-four (24) months with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On March 2, 2010, the Educator was issued Washington Education Certificate No. 469754F. The Educator has a Substitute Teaching certificate with no expiration date.
2. During the 2021–2022 school year, the Educator was employed by the School District at Raymond Middle/High School as an English teacher.

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3. On July 13, 2022, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint from KC Johnson, the Superintendent of the School District, alleging the Educator committed unprofessional conduct pursuant to WAC 181-87 for unprofessional physical interaction with a student resulting in criminal charges.

4. On May 9, 2022, Student A was disregarding the Educator’s instructions to work on class assignments. Student A arose from his seat and walked to the rear of the classroom.

5. The Educator followed Student A to the rear of the classroom and placed Student A into a headlock. While in the headlock, Student A had difficulty breathing. Student A struck the Educator on his knees/legs and pushed the Educator into a cabinet.

6. On May 10, 2022, the Raymond Police Department initiated an investigation into the Educator’s actions with Student A.

7. On May 10, 2022, the Educator was placed on administrative leave by the School District.

8. On May 18, 2022, the Educator was interviewed by School District personnel. During the interview, the Educator admitted to placing Student A in a headlock.

9. On May 18, 2022, the Educator was interviewed by Raymond Police Department police officers. During the interview, the Educator admitted to placing Student A into a headlock. The Educator was arrested and booked into Pacific County Jail on a charge of Assault 2nd Degree.

10. On May 19, 2022, an Information and Probable Cause statement was filed in Pacific County Superior Court charging the Educator with one count of Assault 2nd Degree.

11. On January 20, 2023, an Order of Dismissal was filed in Pacific County Superior Court dismissing the Assault 2nd Degree charge.

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12. On January 12, 2023, in Pacific County North District Court, the Educator signed a Statement of Defendant on Plea of Guilty; pleading guilty to one count of Assault 4th Degree.
13. On January 17, 2023, a Judgment and Sentence was filed in Pacific County North District Court finding the Educator guilty of Assault 4th Degree, by plea. The Educator was sentenced to 364 days in jail with 364 days suspended and a \$1000 fine with \$500 suspended.
14. On March 7, 2023, the Educator signed a Separation Agreement with the School District. Per the agreement, the Educator was released from his contract effective March 1, 2023.
15. On May 3, 2023, the Educator was offered an opportunity to respond to the allegations of misconduct by OPP. The Educator declined to provide a response.

II. CONCLUSIONS OF LAW

1. Chapter 28A.410 Revised Code of Washington (“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 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 for placing a student into a headlock, restricting the student’s ability to breathe, and being convicted of misdemeanor assault upon the student.
4. There is a clear and convincing evidence the Educator committed acts of unprofessional conduct pursuant to WAC 181-86-170.

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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. Pursuant to WAC 181-86-070, a suspension is appropriate discipline when:

(1)(b) The education practitioner has committed an act of unprofessional conduct or lacks good moral character but the superintendent of public instruction has determined that a suspension as applied to the particular education practitioner will probably deter subsequent unprofessional or other conduct which evidences lack of good moral character or personal fitness by such education practitioner, and believes the interest of the state in protecting the health, safety, and general welfare of students, colleagues, and other affected persons is adequately served by a suspension. Such order may contain a requirement that the education practitioner fulfill certain conditions before requesting reinstatement of the suspended certificate, and certain conditions after the reinstatement of the suspended certificate.

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(1)(c) The education practitioner lacks personal fitness but the superintendent of public instruction has determined the deficiency is correctable through remedial action and believes the interest of the state in protecting the health, safety, and general welfare of students, colleagues, and other affected persons is adequately served by a suspension which states the education practitioner fulfill certain conditions before requesting reinstatement of the suspended certificate, and certain conditions after the reinstatement of the suspended certificate.

7. 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, WAC 181-87-060, the Educator's education certificate should be suspended for unprofessional conduct.

III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate No. 469754F of ROBERT SWOGGER is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for at least twenty-four (24) months from the effective date of this ORDER.

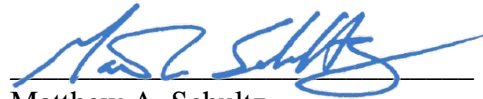
REINSTATEMENT of Robert Swogger's education certificate shall require:

- (1) In addition to any mandatory continuing education, the Educator must successfully complete a MAINTAINING BOUNDARIES course, preapproved by OSPI. The Educator will provide OSPI proof of completion of the course prior to requesting reinstatement;
- (2) The Educator must successfully complete a CLASSROOM MANAGEMENT course, preapproved by OSPI. The Educator will provide proof of completion of the course prior to requesting reinstatement;
- (3) The Educator must successfully complete an evaluation for ANGER MANAGEMENT by a provider mutually agreed upon by OPP;
- (4) The Educator shall provide written consent for OPP to release documents to the provider for purposes of completing the evaluation;
- (5) If Anger Management treatment is recommended as a result of the evaluation, the Educator shall complete any and all recommended treatment and provide evidence of successful completion or, if continuing treatment is recommended, provide proof of continued compliance in the program to OPP;
- (6) The Educator shall sign a consent allowing the examining anger management psychologist/psychiatrist/treatment provider to provide OPP a summary of the Educator's treatment and the results of his/her evaluation;

- (7) The Educator must submit a new application, including Character and Fitness Supplement, provided by OPP;
- (8) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigation and the Washington State Patrol;
- (9) 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; AND
- (10) The Educator shall assume all costs of complying with the requirements of this Order.

DATED this 30th day of November, 2023.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington



Matthew A. Schultz
Chief Legal and Civil Rights Officer