

STATE OF WASHINGTON
OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION
ADMISSIONS AND PROFESSIONAL CONDUCT ADVISORY COMMITTEE

IN THE MATTER OF THE EDUCATION)	
CERTIFICATE OF)	OPP No. D22-03-011
)	
WILLIAM CLIFTON)	FINAL ORDER
Certificate No. 307506F)	OF SUSPENSION
_____)	

UNDER THE AUTHORITY granted by the laws of the State of Washington, and after reviewing the file in this matter; conducting an informal meeting of the Office of Superintendent of Public Instruction (OSPI) with the Admissions and Professional Conduct Advisory Committee (APCAC); considering the evidence, the written submissions, and oral arguments of the parties; and considering the discussion and input provided by the APCAC, the Superintendent of Public Instruction, through his designated Review Officer, Dr. Mark Anderson, enters this Order of Suspension based on the following Findings of Fact and Conclusions of Law.

I. FINDINGS OF FACT

1. The Educator was issued Washington Education Certificate No. 307506F on July 2, 1991. The Educator’s certificate will expire on June 30, 2028, and is and was valid at all times relevant to this matter.
2. The Quincy School District (District) employed the Educator as a teacher and girls wrestling coach during the 2021-2022 school year (SY), and employed the Educator as a teacher during the school years relevant to this matter.
3. On or about February 24, 2022, the District’s superintendent, Dr. Nik Bergman, submitted a complaint to the Office of Professional Practice (OPP) in which he alleged that the Educator

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had committed acts of unprofessional conduct related to his physical interactions with female students and comments to female students concerning their physical appearance.

4. On or about March 9, 2022, the OPP notified the Educator that it had received a complaint alleging that he had engaged in unprofessional conduct and that the matter had been assigned to James Connolly, an OPP investigator.
5. On or about March 14, 2017, John Boyd, then the District's superintendent, issued a letter of direction to the Educator in response to the District's investigation of a complaint made by a parent alleging that the Educator had behaved inappropriately towards the parent's student during one of the Educator's shop classes.
6. In 2017, the Educator approached a student in his shop class, Student A, from behind while she was spray painting a car. He placed his hands around her waist and covered her eyes.
7. Later, during the same class period, the Educator placed his arm around Student A's neck, told her she needed to smile more, and tickled her on the side of her abdomen.
8. During his interview with then-District Superintendent Boyd, the Educator admitted to physically moving students and telling his female students to smile. He also said he did not do that with his male students because "they think it's homosexual."
9. Rick Feller, the Educator's co-teacher, was also interviewed by the District, and said he knew the Educator did "put his hands on the girls," and would hug them or touch them on their shoulders.
10. Then-District Superintendent Boyd detailed the findings of the District's investigation of the 2017 incident involving Student A in his March 14, 2017, letter of direction to the Educator.

11. The District found that the Educator had violated the District’s policy no. 3205 concerning sexual harassment, and policy no. 5253 and procedure no. 5253P concerning maintaining professional staff and student boundaries.
12. Then-District Superintendent Boyd directed the Educator to refrain from touching his students “unless doing so is necessary to serve a demonstrated educational purpose;” to review District policies nos. 3205 and 5253 and procedure no. 5253P by March 24, 2017; to “take the Safe Schools Boundary Invasion Training by no later than June 30, 2017;” to not use gender as a reason for treating students differently; to “treat your male and female students in a consistent manner;” and to not make any retaliatory comments towards individuals involved in the District’s investigation.
13. On or about January 23, 2018, the District issued a letter to the Educator informing him that he had been placed on administrative leave with pay during the course of the District’s investigation into allegations concerning his conduct and behavior towards members of the girls wrestling team.
14. The District contracted with Clear Risk Solutions to investigate allegations of inappropriate or unprofessional conduct by the Educator. Clear Risk issued the findings of its investigation on February 5, 2018.
15. On January 22, 2018, Arturo Guerrero, then-the Migrant Graduation Specialist for the District and head soccer coach for Quincy High School, observed the Educator in the wrestling room with a female student standing behind the Educator, “combing her fingers through his hair” and massaging his scalp. Mr. Guerrero did not observe the Educator make any effort to stop the female student, or that there were any other coaches with the Educator in the wrestling room.

16. Mark Kondo, then a counselor at Quincy High School, the District's Athletic Director, and a volunteer girls wrestling coach, told the Clear Risk investigator that the Educator "shows more physical affection to female athletes in the form of hugging than [Mr. Kondo] is comfortable with, but" had not witnessed inappropriate contact between the Educator and his students.
17. Members of the girls wrestling team told the Clear Risk investigator that the Educator sometimes seemed too comfortable with the girls, allowed female students to sit in his lap, "hugs the girls a lot," slapped them on their backsides, demonstrated wrestling moves on the girls, and massaged their shoulders.
18. Some of the students interviewed by the Clear Risk investigator described sitting on the Educator's lap as "awkward," feeling "weird about [the Educator] slapping girls on their backsides," feeling that the Educator took his physical interactions with the girls "too far," and feeling awkward and uncomfortable when the Educator demonstrated a wrestling move on them.
19. The Educator admitted that the members of the girls wrestling team will sometimes sit on his leg or lap, and that he had demonstrated wrestling moves on them.
20. The Clear Risk investigator determined that the Educator had allowed female students to sit on his lap, slapped them on their backsides, and demonstrated wrestling moves on them, and that some of the members of the girls wrestling team were not comfortable with this behavior.
21. On or about May 8, 2018, the District and the Educator agreed that the appropriate discipline, based on the findings of the District's investigation, was to place the Educator on a five-day suspension without pay as discipline after investigating allegations of his behavior towards members of the girls' wrestling team during the 2017-18 wrestling season.

22. On or about November 1, 2021, the District issued a letter to the Educator informing him that he had been placed on administrative leave with pay during the course of the District's investigation into allegations concerning his behavior or conduct towards female students in the woodshop class he taught.
23. During the Educator's woodshop class in October 2021, the Educator reminded students to remove baggy clothing because it could get caught in the equipment. Student B was wearing a crop top under a sweatshirt, so removed her sweatshirt.
24. The Educator then selected Student B to demonstrate proper use of a miter saw. The Educator told Student B that she had not cut the wood correctly with the saw and had her redo to the cut again. He then placed his hand on Student B's back "half on [her] shirt and half on [her] skin."
25. Student B reported that while boys in the class had made similar cuts with the miter saw, the Educator did not tell them to redo their cuts. Student B also reported feeling confused because "there was no reason [for the Educator] to put his hand on [her]."
26. Later that same week, the Educator told Student B to wear her safety glasses. After she put them on, the Educator "walked up to [her], really close (within 1'), he looked [her] up and down and said 'sexy.'"
27. Student B reported feeling "weirded out" and "uncomfortable" by the Educator's comment and behavior.
28. Also during October 2021, Student C reported that she felt the Educator staring at her and then, about ten minutes later, told her to "smile because you look better when you smile."
29. Student C reported that the Educator's behavior made her "feel uncomfortable."

30. Later that same week, the Educator provided Student C with “help drawing a circle for [her] stool project.” She reported that, after they were done, the Educator touched her bottom as he walked away.
31. During a November 15, 2021, meeting with his principal, then-Assistant Superintendent Bergman, and his union representative, the Educator admitted to telling students they look sexy as a means of putting them at ease about wearing their safety glasses, to touching students to move them towards or away from equipment in the class room, and to telling them they look better when they smile.
32. At the end of the November 15, 2021, meeting, the District informed the Educator that he would remain on administrative leave with pay.
33. On January 24, 2022, the District and the Educator entered into a settlement agreement. Pursuant to the agreement, the Educator agreed to retire from the District effective August 31, 2022, and remain on paid administrative leave until August 31, 2022.
34. The Educator participated in an interview with the OPP’s investigator on June 22, 2022.
35. On or about September 19, 2023, OSPI issued a proposed order of suspension for a period of 60 days.
36. The Educator timely appealed OSPI’s proposed order on September 26, 2023.

II. CONCLUSIONS OF LAW

1. The Legislature delegated the authority to develop and enforce regulations determining initial and continuing eligibility for and certification of personnel employed in the common schools of the State of Washington to the Professional Educator Standards Board (PESB). RCW 28A.410.010(1)(a). An educator certificate issued by the PESB under ch. 28A.410 RCW, ch. 28A.405 RCW, or rules adopted pursuant to those statutes, may be revoked or

suspended if a complaint has been filed alleging that the certificate holder either lacks good moral character or personal fitness, or has engaged in unprofessional conduct, or both. RCW 28A.410.090(1)(a).

2. OSPI acts as the administrator of RCW 28A.410 and regulations adopted pursuant to that chapter. RCW 28A.410.010(2). The PESB has adopted rules concerning acts of unprofessional conduct, ch. 181-87 WAC, pursuant to RCW 28A.410.010 and 28A.410.090.
3. As the Educator possesses an educator's certificate issued by the PESB, and is alleged to have engaged in unprofessional conduct pursuant to WAC 181-87-060(1), OSPI has jurisdiction over both the Educator and the subject matter of this action.
4. "In a suspension or revocation proceeding, the [S]uperintendent of [P]ublic [I]nstruction must prove by clear and convincing evidence that the education practitioner...has committed an act of unprofessional conduct." WAC 181-86-170(2). "Clear and convincing evidence' 'is a quantum of proof that is more than a preponderance of the evidence, but less than what is needed to establish proof beyond a reasonable doubt.'" *State v. T.J.S.-M.*, 193 Wn.2d 450, 463-64, 411 P.3d 1181 (2019) (Yu, J., concurring) (citation omitted). "Clear and convincing evidence exists 'when the evidence shows the ultimate fact at issue to be highly probable.'" *Capital One Bank (USA), N.A. v. Koplitz*, No. 72764-8-I, 2015 WL 893221, at *3 (Wash. Ct. App. March 2, 2015) (unpublished) (*quoting In re Dependency of K.S.C.*, 137 Wn.2d 918, 925, 976 P.2d 113 (1999)).
5. In determining whether a certificated educator's conduct constitutes unprofessional conduct, the OSPI is guided, in part, by WAC 181-87-010, which identifies the three public policy goals of ch. 181-87 WAC. These goals include "protect[ing] the health, safety, and general

welfare of students within the [S]tate of Washington,” and “assur[ing] the citizens of the [S]tate of Washington that education practitioners are accountable for acts of unprofessional conduct.” WAC 181-87-010(1), (2). Additionally, the “OSPI may establish generally recognized professional standards under WAC 181-87-060 using the testimony of educators, administrators, and others with specific knowledge of the standards observed by the professional education community.” *Len v. Off. of the Superintendent of Pub. Instruction*, No. 45534-0-II, 2015 WL 4094079, at *6 (Wash. Ct. App. July 7, 2015) (unpublished).

6. OPP has, by clear and convincing evidence, demonstrated that the Educator, while he was employed by the District as a teacher and girls wrestling coach, engaged in acts of unprofessional conduct to include WAC 181-87-060(1) by, among other conduct and behaviors, making his students feel “weird,” “uncomfortable,” and “awkward” by having them sit on his lap; demonstrating wrestling moves on them; touching the bare skin of their back; touching them around their waists, necks, and backsides; telling them to smile to improve their physical appearance; and telling them they look sexy after having been directed more than once to cease the conduct and behaviors described above.
7. “Before issuing any disciplinary order under [WAC 181-86,] the [S]uperintendent of [P]ublic [I]nstruction or [their] designee shall consider, at a minimum” eleven factors when determining “the appropriate level and range of discipline.” WAC 181-86-080. Those eleven factors are:
 - (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.

WAC 181-86-080.

8. Based on the foregoing findings of fact, the APCAC members were unanimous in both their assessment that the Educator had engaged in acts of unprofessional conduct, and in their recommendation to the Review Officer that the Educator's certificate should be suspended for a period of 60 days.
9. After having considered the foregoing findings of fact and conclusions of law in light of the eleven disciplinary factors, as required by WAC 181-86-080, and having considered the unanimous recommendation of the APCAC, that the Educator's Washington Education Certificate, No. 307506F, should be suspended for having engage in acts of unprofessional conduct to include WAC 181-87-060(1).

III. ORDER

THEREFORE, it is hereby ordered that:

1. The Washington Education Certificate No. 307506F of William Clifton is **SUSPENDED** for a period of 60 days; and

2. REINSTATEMENT of William Clifton’s suspended education certificate shall require that, pursuant to WAC 181-86-070(1)(b), that he fulfill the following conditions:
- i. William Clifton must attend and successfully complete a “Maintaining Boundaries” course preapproved by OSPI;
 - ii. William Clifton must submit a new application, including Character and Fitness Supplement, provided by OPP;
 - iii. William Clifton must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigation and the Washington State Patrol;
 - iv. William Clifton’s fingerprint-based criminal background check must return with no criminal convictions, occurring after the date of issuance of a Final Order of Suspension in this matter, that are listed in WAC 181-86-013, RCW 28A.410.090, or any felony convictions; and
 - v. William Clifton shall assume all costs of complying with the requirements and conditions of this Final Order.

IV. RIGHT OF APPEAL

This order becomes final thirty calendar days following the date of its postmarked mailing from the section of the Office of Superintendent of Public Instruction responsible for certification of the decision or order unless OSPI actually receives the certificate holder's written notice of appeal during office hours within that thirty calendar day period. WAC 181-86-150(1). A written notice of appeal may be addressed to:

Office of Superintendent of Public Instruction
Legal Affairs Division
PO Box 47200
Olympia, WA 98504

DATED this 23rd day of May 2024.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington



Mark Anderson
Review Officer