



SUPERINTENDENT OF PUBLIC INSTRUCTION

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IN THE MATTER OF THE EDUCATION)	
CERTIFICATE OF)	OPP No. D23-05-033
)	
DERRICK BATLINER)	FINAL ORDER
Certificate No. 437997J)	OF SUSPENSION
_____)	

After receiving and investigating a report from the National Association of State Directors of Teacher Education and Certification (NASDTEC) regarding the above referenced Educator, the Superintendent of Public Instruction, through his undersigned designee, institutes this proceeding and finds that institutes this proceeding and finds, as described below, that DERRICK BATLINER (“Educator”) engaged in acts of unprofessional conduct to include WAC 181-87-060, and does hereby SUSPEND the Educator’s Washington Education Certificate No. 437997J for not less than ninety (90) days with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On September 18, 2006, the Educator was issued Washington Education Certificate No. 437997J. The Educator’s certificate, a Residency Teacher Provisional Status, has no expiration date.

2. During the 2017–18 and 2019–20 school years, the Educator was employed by the Portland Public Schools at Jefferson High School as a math teacher.

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3. On or about February 7, 2023, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received notice through NASDTEC that the Oregon Teacher and Standard’s Practices Commission (TSPC) had revoked the Educator’s Oregon teaching credentials.

4. Student A attended Jefferson High School, within the Portland Public Schools, from the 2016–17 school year through the 2019–20 school year. She graduated in June 2020 and had turned 18 years of age prior to graduation.

5. During Student A’s time at Jefferson High School, she often spent time in the Educator’s classroom during non-class periods. At times, she was alone in the room with the Educator.

6. Starting in the 2017–18 school year and continuing into the 2019–20 school year, the Educator would often rub Student A’s back with, at times, his hands just above the belt line.

7. Starting in the 2017–18 school year and continuing into the 2019–20 school year, the Educator would sit next to Student A and rub his shoed feet against her feet and legs.

8. Beginning in or around March of 2020, Student A and the Educator had electronic message exchanges on an almost daily basis. Student A was no longer enrolled in one of the Educator’s classes.

9. In or about the first week of May 2020, Student A and the Educator began video conversations.

10. On an unknown exact date, after Student A graduated from Jefferson High School, she and the Educator began a sexual relationship. The relationship continued into the 2020–21 school year.

11. On April 20, 2021, after Student A had confronted the Educator at Jefferson High School, the Educator was placed on leave by Portland Public Schools.

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12. On May 7, 2021, TSPC received a sexual misconduct complaint from Portland Public Schools regarding the Educator. TSPC initiated an investigation. During the TSPC investigation, the Educator declined to provide a response to allegations of misconduct.

13. On June 17, 2021, the Educator signed a Settlement Agreement with the Portland Public Schools. Per the agreement, the Educator resigned his employment effective June 15, 2021.

14. On July 1, 2021, the Portland Public Schools sent the Educator a letter notifying him that their investigation had determined that, per Portland Public Schools policies, he had committed sexual misconduct.

15. On January 18, 2023, TSPC issued a Default Order of Revocation for the matter of the education license of the Educator.

16. As of July 2, 2024, the Educator has not provided a response to OPP addressing the allegations of misconduct.

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. Chapters 181-86 and 181-87 of the Washington Administrative Code (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 fostering and engaging in an unprofessional relationship with a student.

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4. There is clear and convincing evidence that the Educator committed acts of unprofessional conduct pursuant to WAC 181-86-170.

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 and/or a behavioral problem which endangers the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting.

III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate No. 437997J of DERRICK BATLINER is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for at least ninety (90) days from the effective date of this ORDER.

REINSTATEMENT of Derrick Batliner's education certificate shall require:

- (1) In addition to any mandatory continuing education, the Educator must successfully complete a Prevention and Correction: Overview course, presented by NASDTEC. The Educator will provide OSPI proof of completion of the course prior to requesting reinstatement;
- (2) The Educator must successfully complete a **PSYCHOLOGICAL EVALUATION** which validates his ability to have unsupervised access to students in a school environment by a licensed psychologist/psychiatrist preapproved by OSPI;
- (3) The Educator shall provide written consent for OPP to release documents to the provider for purposes of completing the evaluation;

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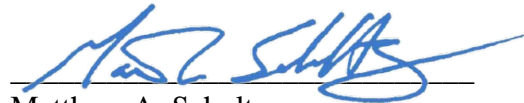
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- (4) The Educator, if treatment is recommended as a result of the evaluation, shall complete any and all recommended treatment and provide evidence of successful completion or, if continuing treatment is recommended, provide proof of continued compliance in the program to OPP;
- (5) The Educator shall sign a consent allowing the examining psychologist/psychiatrist to provide OPP a summary of the Educator's treatment and the results of his/her evaluation;
- (6) The Educator must submit a new application, including Character and Fitness Supplement, provided by OPP;
- (7) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigation and the Washington State Patrol;
- (8) 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
- (9) The Educator shall assume all costs of complying with the requirements of this Order.

DATED this 18th day of September, 2024.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington



Matthew A. Schultz
Chief Legal and Civil Rights Officer