



# 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 )

OPP No. D24-08-055

CHARLES CONE )  
Certificate No. 281923C )

AGREED ORDER  
OF SUSPENSION

After receiving and investigating a complaint from Cheney School District ("School District") regarding the above referenced educator, and based upon the facts available as of the date of this Agreed Order, the Superintendent of Public Instruction, through his undersigned designee, does hereby stipulate, by and between, the Office of Superintendent of Public Instruction, the Office of Professional Practices and CHARLES CONE ("Educator") that CHARLES CONE engaged in acts of unprofessional conduct to include Washington Administrative Code ("WAC") 181-87-060 and that the Educator's Washington Education Certificate No. 281923C shall be SUSPENDED 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 August 31, 1987, the Educator was issued Washington Education Certificate No. 281923C. The Educator's certificate, a Substitute Teacher certificate, has no expiration date.
2. During the 2023-24 school year, the Educator was employed by the School District at Cheney High School as an Physical Education (PE) teacher.

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3. On July 24, 2024, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint from Dr. Ben Ferney, the Superintendent of the School District, alleging that the Educator has committed unprofessional conduct pursuant to WAC 181-87 for leaving students unattended.
4. On November 17, 2023, the Educator was issued a Memo of Expectations from Tim Kennedy, Cheney High School Assistant Principal, after a meeting to discuss several incidents where the Educator was not at work during his scheduled time and had not reported his absences to administration.
5. On April 18, 2024, the Educator left his 6th period PE class unattended by another educator or staff member while students were engaged in a game of volleyball.
6. During the time period, approximately six (6) minutes that the Educator was away from his class, two students collided. The collision resulted in one student purportedly becoming unconscious and requiring medical attention. The Educator did not return to the class until after other staff members had been notified by students and were attending to the student that was purportedly injured.
7. On April 18, 2024, the Educator was placed on administrative leave.
8. During the District investigation process, numerous students from the Educator’s 2023–24 6th period class stated that the Educator would often leave them unattended during a class period for ten to fifteen minutes at a time.
9. On July 10, 2024, the Educator was issued a Notice of Probable Cause for Termination and Probable Cause for Nonrenewal.
10. On February 10, 2025, the Educator signed a Settlement Agreement with the School District. Per the agreement, the Educator was to remain on administrative leave until his termination date of August 31, 2025.

## II. CONCLUSIONS OF LAW

1. Revised Code of Washington ("RCW") Chapter 28A.410 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 an act of unprofessional conduct pursuant to WAC 181-87-060.

4. There is clear and convincing evidence that the Educator committed an act 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.

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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.

(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.

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### III. ORDER

THEREFORE, it is hereby ordered and agreed that the Washington Education Certificate, No. 281923C of CHARLES CONE 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 CHARLES CONE'S education certificate shall require:

- (1) The Educator must submit a new application, including Character and Fitness Supplement, provided by OPP;
- (2) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigation and the Washington State Patrol;
- (3) 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
- (4) The Educator shall assume all costs of complying with the requirements of this Order.

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WAIVER OF RIGHT TO APPEAL

*The Educator is aware that RCW 28A.410.090(3) and WAC 181-86-140 afford him/her the right to appeal a dental or discipline order issued by OSPI. Acknowledging this, the Educator knowingly and voluntarily waives his/her right to appeal by entering into this Agreed Order of Suspension.*

DATED this 18th day of July, 2025

CHRIS REYKDAL  
Superintendent of Public Instruction  
State of Washington

Darryl E. Colman  
Darryl E. Colman  
Deputy Chief Legal Officer

Stipulated to and approved.  
For entry:

Charles Cone  
Charles Cone (Jun 23, 2025 L&S1/PD)  
Charles Cone, Respondent

Heather Barden  
Heather Barden, Attorney for Respondent  
WSBA # 49316