



# SUPERINTENDENT OF PUBLIC INSTRUCTION

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IN THE MATTER OF THE EDUCATION  
CERTIFICATE OF

RANDELL DAVIS  
Certificate No. 400040B

OPP No. D19-01-006

FINAL ORDER  
OF SUSPENSION

After receiving and investigating a notification from the National Association of State Directors of Teacher Education and Certification (NASDTEC) 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 RANDELL DAVIS (“Educator”) engaged in acts of unprofessional conduct to include WAC 181-87-060 and RCW 28A.410.090(5), and does hereby SUSPEND the Educator’s Washington Education Certificate No. 400040B for not less than nine (9) months with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

## I. FINDINGS OF FACT

1. On August 1, 2002, the Educator was issued Washington Education Certificate No. 400040B. The Educator’s certificate does not expire.
2. During the 2017-2018 school year, the Educator was employed as a Math teacher by the Casa Grande Elementary School District (CGESD) located in Casa Grande, Arizona, at Cactus Middle School.

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3. On January 11, 2019, the Office of Professional Practices (OPP) within the Office of Superintendent of Public Instruction (OSPI) received a notification from the National Association of State Directors of Teacher Education and Certification (NASDTEC) that the Arizona Department of Education revoked the Educator's teaching certification.
4. On October 10, 2017, Cactus Middle School Principal, Kendra Tate, received a phone call from the parent of one of the Educator's students, alleging the Educator brought various electronic devices into his classroom, including phones, for students to use to work on math problems in class.
5. Several students had access to one of those electronic devices, identified as a "red phone," on which multiple students viewed sexually explicit pornographic images.
6. Principal Tate went to the Educator's classroom, retrieved the red phone (which was not password protected), viewed the photo gallery, and was immediately able to find sexually explicit images.
7. Together, Principal Tate, Superintendent Jo Etta Gonzales, and CGESD Human Resources Director, Brenda Tijuerina, looked through the red phone. They discovered hundreds of videos of women and men engaged in sexually explicit acts.
8. CGESD reported the matter to the Casa Grande Police Department ("CGPD"), who found over 300 pornographic videos with depictions of nudity and adult sexual intercourse on the Educator's red phone.
9. The Educator admitted to CGESD that the phone belonged to him and that his failure to double-check the red phone prior to allowing students to access it was "gross stupidity."
10. On October 10, 2017, CGESD put the Educator on paid administrative leave pending investigation.

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11. On December 14, 2017, after being notified of CGESD's intent to terminate his employment, the Educator submitted his letter of resignation to CGESD effective the same day.

## **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. Pursuant to WAC 181-86-170, there is clear and convincing evidence the Educator committed acts of unprofessional conduct pursuant to WAC 181-87-060(1) and RCW 28A.410.090(5).

4. 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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5. 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 181-86-170, WAC 181-87-060, and RCW 28A.410.090(5), the Educator's education certificate should be suspended for unprofessional conduct.

### III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate No. 400040B of RANDELL DAVIS is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for at least 9 MONTHS from the effective date of this ORDER.

**REINSTATEMENT** of RANDELL DAVIS'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.

DATED this 26th day of June, 2020.

CHRIS REYKDAL  
Superintendent of Public Instruction  
State of Washington

Signed: Dierk Meierbachtol  
Chief Legal Officer