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# SUPERINTENDENT OF PUBLIC INSTRUCTION

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IN THE MATTER OF THE EDUCATION )  
CERTIFICATE OF )

OPP No. D19-03-021

Ryan Harless )  
Certificate No. 471293A )

FINAL ORDER  
OF MANDATORY  
PERMANENT REVOCATION

After receiving and investigating a complaint from the Aberdeen 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 RYAN HARLESS (“Educator”) was convicted of a felony crime under Revised Code of Washington (RCW) 9A.44.086, Child Molestation in the Second Degree and demonstrated a lack of good moral character and personal fitness pursuant to Washington Administrative Code (WAC) 181-86-013 and does hereby PERMANENTLY REVOKE the Educator’s Washington Education Certificate No. 471293A, pursuant to RCW 28A.410.090(4)(c), and WAC 181-86-075, based on the following Findings of Fact and Conclusions of Law:

## I. FINDINGS OF FACT

1. On May 10, 2010, the Educator was issued Washington Education Certificate No. 471293A. The Educator’s certificate will expire on June 30, 2024.
2. During the 2018-2019 school year, the Educator was employed by the School District at McDermoth Elementary School as a Physical Education teacher.

3. On February 28, 2019, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a letter from Dr. Alicia Henderson, the Superintendent of the School District, alleging that the Educator had been arrested and charged with a sex offense against a child.

4. On or about and between February 6, 2004, and February 6, 2006, within Skagit County, the Educator had sexual intercourse with a child less than twelve (12) years old. The child was not a student within the School District.

5. On February 15, 2019, the School District placed the Educator on administrative leave.

6. On May 28, 2019, the Educator was charged in Skagit County with two (2) counts of violating RCW 9A.44.073, Rape of a Child in the First Degree. Skagit County Superior Court Cause No. 19-1-00542-29

7. At the conclusion of the 2018-19 school year, the District declined to offer the Educator a contract for the 2019-2020 school year.

8. On May 10, 2021, Skagit County prosecutors amended the charges against the Educator to include four (4) counts of violating RCW 9A.44.086, Child Molestation in the Second Degree. The Amended charges removed the two (2) counts of Rape of a Child in the First Degree, RCW 9A.44.073, listed in the May 28, 2019, Information..

9. On May 10, 2021, a Statement of Defendant on Plea of Guilty to Sex Offense was filed in Skagit County Superior Court for Cause No. 19-1-00542-29; in which the Educator signed, stating that the facts listed in the Amended Information were true. As part of the Plea Agreement, the Snohomish County Prosecutor’s Office agreed not to pursue charges for related allegations in Snohomish County.

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10. On June 14, 2021, a Felony Judgment and Sentence was filed in Skagit County Superior Court for Cause No. 19-1-00542-29. A Superior Court judge found the Educator guilty, by plea, to four (4) counts of Child Molestation in the Second Degree, RCW 9A.44.086, and sentenced to:

- a. 116 months of confinement for Count 1, 116 months confinement for Count 2, 116 months confine for Count 3, 116 months confinement for Count 4 with sentences to run concurrently to include one day previously served;
- b. Community Custody of 36 months for Counts 1, 2, 3, and 4 for a period of 36 months;
- c. Follow conditions of Appendix F of the Judgement and Sentence, to wit:
  - i. Supervision of remain within, or outside of specified geographical boundary required for offenders sentenced under RCW 9.94A.507;
  - ii. refrain from direct or indirect contact with the victim in this case, refrain from direct or indirect contact with specified class of individuals, to wit, no contact with minor-aged children without the supervision of an adult who is knowledgeable of the offense and only with the approval of the Community Corrections Officer (CCO) and Sexual Deviancy Treatment Provider, and minor aged children;
  - iii. Participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending or the safety of the community to wit – Cognitive Behavioral Interventions; participate in polygraph examinations as directed by the CCO as necessary to monitor the other conditions of community custody;
  - iv. Comply with crime-related prohibitions of A) do not work at or be in places frequented by minors such as: schools (except post-secondary schools), daycare facilities, recreational or sports organizations that service youth, or any business where more than 50% of the clientele are youth (youth is defined as an individual under 16 years of age), B) stay out of areas where children's activities are occurring as follows – parks used

for youth activities, schools (except post-secondary schools), daycare facilities, playgrounds, wading pools, swimming pools being used for youth activities, arcades, or any area where more than 50% of the individuals there are youth, C) Hold no position of authority or trust involving children under the age of 18, D) do not engage in any dating relationship with individuals who have minor children unless first approved by the Community Corrections Officer and the Sexual Deviancy Treatment Provider; and E) Register with the Sheriff's Office, as require; have no contact with the victim; undergo an evaluation for sexual deviancy; comply with crime relation prohibitions of "no criminal law violations"; sex offender registration.

- d. No contact with the victim of the case;
- e. Undergo an evaluation for sexual deviancy;
- f. Comply with crime-related prohibitions of no criminal law violations;
- g. Restitution of which would be determined at a later date, if restitution is sought;
- h. Sex Offender Registration and resulting requirements per RCW 9A.44.130.

## **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 lacks good moral character.

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4. The Educator has pleaded guilty to and or has been convicted of RCW 9A.44.086, Child Molestation in the Second Degree, which is further defined by RCW 9.94A.030(47) as a sex offense.

5. Offenses such as those committed by the Educator are considered crimes against children, as defined by RCW 28A.400.322. Additionally, such convictions are evidence an educator lacks good moral character and personal fitness as defined by WAC 181-86-013(2)(e) a crime specified in RCW 28A.410.090(4).

6. Pursuant to RCW 28A.410.090(4) and WAC 181-86-013(1), (2), a plea of guilty or a conviction of a crime against children Child Molestation in the Second Degree, RCW 9A.44.086, bars the certificate holder from any future practice as an education practitioner and requires OSPI to permanently revoke the Educator's certificate.

7. Pursuant to WAC 181-86-013(3), and WAC 181-86-014, there is clear and convincing evidence the Educator has been convicted of a crime within the last ten years that materially and substantially impair the individual's worthiness and ability to serve as a professional within the public and private schools of the state.

8. Pursuant to WAC 181-86-170, WAC 181-86-013(4), and WAC 181-86-014, there is clear and convincing evidence the Educator has a behavioral problem that endangers the educational welfare or personal safety of students.

9. Pursuant to WAC 181-86-075, commission of a sex offense crime is grounds for issuing a revocation order.

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10. 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.

11. 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 181-86-075, RCW 28A.410.090(4), and WAC 181-86-013, the Educator's education certificate should be permanently revoked for demonstrating a lack of good moral character and personal fitness pursuant to WAC 181-86-013(1) and being convicted of a felony crime under RCW 28A.410.090(4) which bars the Educator from any future practice as an educator.

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RYAN HARLESS

FINAL ORDER OF MANDATORY PERMANENT REVOCATION

### **III. ORDER**

THEREFORE, it is hereby ordered that the Washington Education Certificate No. 471293A of RYAN HARLESS is **PERMANENTLY REVOKED**.

DATED this 28th day of February, 2022.

CHRIS REYKDAL  
Superintendent of Public Instruction  
State of Washington

Signed: Matthew A. Schultz  
Chief Legal and Civil Rights Officer