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# SUPERINTENDENT OF PUBLIC INSTRUCTION

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**Chris Reykdal** Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

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IN THE MATTER OF THE EDUCATION )  
CERTIFICATE OF )

OPP No. D19-02-014

KENNETH HUNTLEY )  
Certificate No. 512282E )

AGREED ORDER  
OF SUSPENSION

After receiving and investigating a complaint from Arlington 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 KENNETH HUNTLEY (“Educator”) that the Educator showed a pattern of behavior that violates WAC 181-86-013(4) and engaged in acts of unprofessional conduct to include WAC 181-87-060 and that the Educator’s Washington Education Certificate No. 512282E shall be SUSPENDED for not less than four (4) months with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

## I. FINDINGS OF FACT

1. On November 11, 2014, the Educator was issued Washington Education Certificate No. 512282E. The Educator’s certificate, a Substitute Teacher certificate, has no expiration date.
2. During the 2018-2019 school year, the Educator was employed by the School District at Weston High School as a teacher.

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3. On January 25, 2019, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint from Dr. Chrys Sweeting, the Superintendent of the School District, alleging that the Educator has committed unprofessional conduct pursuant to WAC 181-87 for engaging in unprofessional and inappropriate communications with current and former students.

4. During the 2013-2014 school year, the Educator completed his student teaching practicum in the Marysville School District.

5. From October 2014 to January 2016, the Educator had inappropriate electronic communications with Marysville School District female students. Communications included, but are not limited to:

- a. Asking female students to wear cheerleading outfits and dance, specifically to shake their bottoms, on stage with his band at a concert in an effort to promote his band;
- b. Asking a female student to act as his girlfriend in front of his estranged wife for money;
- c. Making comments to students that could have been interpreted as asking students for romantic dates;
- d. and, asking a student if they knew how he could obtain oxycodone.

6. On September 28, 2018, the Educator was placed on administrative leave.

7. In October 2018, the Educator was issued a Written Warning by Will Nelson, Weston High School Principal, for including students in two videos he sent to a person he was attempting to have a romantic relationship with.

8. In November 2018, the Educator sent an instant message to a female Arlington School District student that had no educational purpose.

9. On November 29, 2018, the Educator was placed on administrative leave.

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10. On January 25, 2019, the Educator was issued a Notice of Nonrenewal. The Educator was to remain on administrative leave through the end of the 2018-2019 school year.

11. On April 20, 2021, the Educator participated in an interview with an OPP investigator. During his interview, the Educator stated, among other statements: that he did tell a Marysville School District student he could provide alcohol if she attended his band's show but that he had no intention of actually providing a student with alcohol; he did not recall asking a student about access to a prescription opiate but may have; that he did ask a Marysville School District student to pose as his girlfriend in front of his ex-wife; and that due to alcohol use, he underwent inpatient treatment at Schick Shadel in 2019.

## **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 violated WAC 181-86-013(4) and committed acts of unprofessional conduct pursuant to WAC 181-87-060 for inappropriate communications and interactions with students.

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

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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. 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 181-86-013(4), and WAC 181-87-060 the Educator's education certificate should be suspended for unprofessional conduct.

### **III. ORDER**

THEREFORE, it is hereby ordered and agreed that the Washington Education Certificate, No. 512282E of KENNETH HUNTLEY is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for at least four (4) month from the effective date of this ORDER.

**REINSTATEMENT** of KENNETH HUNTLEY's education certificate shall require:

- (1) In addition to any mandatory continuing education, the Educator must successfully complete a MAINTAINING BOUNDARIES course, preapproved by OSPI. The Educator will provide OSPI proof of completion of the course prior to requesting reinstatement;
- (2) The Educator must provide proof of successful completion of a SUBSTANCE ABUSE PROGRAM, specifically Schick Shadel;
- (3) The Educator must submit a new application, including Character and Fitness Supplement, provided by OPP;

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- (4) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigation and the Washington State Patrol;
- (5) 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
- (6) The Educator shall assume all costs of complying with the requirements of this Order.

#### WAIVER OF RIGHT TO APPEAL

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

DATED this 21st day of July, 2022

CHRIS REYKDAL  
Superintendent of Public Instruction  
State of Washington

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

Stipulated to and approved  
For entry:

Signed: Kenneth Huntley, Respondent

Signed: Shelby Hopkins, Attorney for Respondent  
WSBA # 29173