



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. D20-09-052

SEAMUS O'REILLY)
Certificate No. 445533C)

AGREED ORDER
OF SUSPENSION

After receiving and investigating a complaint from ESD 113 (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 SEAMUS O'REILLY (Educator) that SEAMUS O'REILLY engaged in acts of unprofessional conduct to include RCW 28A.410.090(5) and that the Educator's Washington Education Certificate No. 445533C shall be SUSPENDED for not less than thirty (30) days with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On May 29, 2007, the Educator was issued Washington Education Certificate No. 445533C. The Educator's certificate will expire on June 30, 2024.
2. From the 2015–2016 school year through the 2019–2020 school year, the Educator was employed by the Tenino School District at Tenino High School.

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3. On September 25, 2020, the Office of Professional Practices (OPP) within the Office of Superintendent of Public Instruction (OSPI) received a complaint from Dana Anderson, the Superintendent of the School District, alleging that the Educator has committed unprofessional conduct pursuant to WAC 181-87 for using Tenino School District computer resources to store and access images depicting sexually explicit conduct.

4. While employed with Tenino School District, the Educator used District computer equipment to store images depicting sexually explicit conduct and was in possession of this computer equipment while on District grounds. There is no information that the Educator accessed or viewed images depicting sexually explicit conduct on school premises or while in the presence of students.

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 RCW 28A.410.090(5) by using Tenino School District computer resources to store and possess images depicting sexually explicit conduct.

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. 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, 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. 445533C of SEAMUS O'REILLY is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for at least thirty (30) days from the effective date of this ORDER.

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REINSTATEMENT of Seamus O'Reilly'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.

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 denial 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 7th day of July, 2021.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington

Signed: Tennille Jeffries-Simmons
Chief Legal Officer

Stipulated to and approved
For entry:

Signed: Seamus O'Reilly, Respondent