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# SUPERINTENDENT OF PUBLIC INSTRUCTION

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IN THE MATTER OF THE EDUCATION )  
CERTIFICATE OF )

OPP No. D18-11-098

SHANE RIVERS )  
Certificate No. 432373R )

FINAL ORDER  
OF SUSPENSION

After receiving and investigating a complaint from the Toledo 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 SHANE RIVERS (Educator) engaged in acts of unprofessional conduct to include WAC 181-87-060 and WAC 181-87-050, and does hereby SUSPEND the Educator's Washington Education Certificate No. 432373R 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 December 30, 2005, the Educator was issued Washington Education Certificate No. 432373R. The Educator's certificate will expire on June 30, 2021.
2. During the 2018–2019 school year, the Educator was employed by the Toledo School District at Toledo Elementary School as an English Language Arts teacher.
3. From 2007 until January 2018, the Educator was employed by the Centralia School District as a high school Drama teacher.

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SHANE RIVERS  
PROPOSED ORDER OF SUSPENSION

4. On October 16, 2018, the Office of Professional Practices (OPP) within the Office of Superintendent of Public Instruction (OSPI) received a complaint from Chris Rust, Superintendent of the Toledo School District, alleging the Educator committed unprofessional conduct pursuant to WAC 181-87.

5. On May 18, 2018, the Educator submitted an application for professional employment to the Toledo School District. In his application packet, the Educator deliberately and falsely answered “No” to the questions “Have you ever been disciplined by a past or present employer?” and “Have you ever been dismissed or discharged from a job, or have you separated employment in order to avoid discipline or discharge?”

6. In June 2018, the Educator was offered the position of English Language Arts teacher for Toledo Elementary School by Principal Angela Bacon. The Educator accepted the position and was confirmed by the Toledo School Board in July 2018.

7. In August 2018, Ms. Bacon began hearing rumors the Educator had been terminated from his position with the Centralia School District due to inappropriate behavior.

8. On September 19, 2018, the Toledo School District placed the Educator on Administrative Leave with pay pending an investigation into allegations he made misrepresentations of fact in his application for employment. The Educator remained on administrative leave for the duration of his employment contract with the Toledo School District.

9. On March 7, 2019, the Educator was provided notice by the Toledo School District that his contract was not going to be renewed based on the application materials the Educator provided the school district.

10. On June 26, 2015, the Educator received a Written Reprimand from the Centralia School District for allowing students to “roast” each other in class, including a “rap” that contained offensive comments about a female student.

11. On October 12, 2017, the Chehalis School District Superintendent called the Centralia School District to report professional misconduct by the Educator. Chelsea Pedro, a Chehalis Middle School Drama teacher, reported a conversation she had with a Centralia High School student wherein the student alleged the Educator engaged in inappropriate communications with female high school drama students. Chehalis School District sent the Centralia School District several pages of cellphone screenshots, and an Incident Report by the Chehalis School District's Safety and Security Officer.

12. On October 13, 2017, the Centralia School District placed the Educator on Administrative Leave pending an investigation.

13. Centralia School District Board Policy #5253 entitled "Maintaining Professional Staff/Student Boundaries" outlines the district's policies regarding appropriate staff/student boundaries.

14. Centralia School District Board Policy #3205 entitled "Sexual Harassment of Students Prohibited" outlines the district's policies regarding its prohibition against sexual harassment of students.

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15. Centralia School District retained Clear Risk Solutions investigator Alan Key to conduct an investigation into Mr. Rivers and the allegations against him which included, but were not limited to:

- a. Asking and trying to guess the bra size of female students;
- b. Unzipping a female student's hoodie;
- c. Touching and/or tickling female students;
- d. Making sexual innuendos towards female students;
- e. Inappropriate social media communications with students;
- f. Making a comment similar to "Jack-off" when referring to a male student playing the role of "Jack" in a school play;
- g. Telling a female student there was "no way to make you not look sexy;"
- h. Encouraging a former student to drink alcohol;
- i. Texting with a former female student during a school lockdown drill, telling her she was beautiful and that he secretly loved her, and asking her to send him pictures;
- j. Holding a student upside down by her feet in class; and
- k. Making inappropriate comments to students.

16. Mr. Key interviewed several witnesses, including the Educator, and concluded there was a preponderance of the evidence to indicate the Educator engaged in behavior that appears to violate the Centralia School District's policy regarding maintaining professional staff/student boundaries despite the Educator having been previously counseled and given directives by the Centralia School District regarding his comments to and interactions with female students.

17. Text message screenshots from and between female students' detail some of the allegations of misconduct against the Educator.

18. On December 27, 2017, the Educator was offered the option of a Last Chance Agreement, which stated in its terms that it was being offered “in lieu of immediate termination” and included a Notice of Discipline in the form of a three-day unpaid suspension, or the option to resign his employment with the Centralia School District.
19. On January 19, 2018, the Educator elected to resign employment with the Centralia School District in lieu of signing the Last Chance Agreement and receiving the three-day unpaid suspension.
20. On January 26, 2018, the Educator signed a Settlement Agreement with the Centralia School District and resigned employment.
21. On July 18, 2019, the Educator participated in an interview with an OPP investigator.

## **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 WAC 181-87-060 and WAC 181-87-050.
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 181-86-170, WAC 181-87-060, and WAC 181-87-050, the Educator's education certificate should be suspended for unprofessional conduct and/or a behavioral problem which endangers the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting.

### **III. ORDER**

THEREFORE, it is hereby ordered that the Washington Education Certificate No. 432373R of SHANE RIVERS is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for at least NINE (9) MONTHS from the effective date of this ORDER.

**REINSTATEMENT** of the Educator'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 successfully complete a PSYCHOLOGICAL EVALUATION which validates his ability to have unsupervised access to students in a school environment by a licensed psychologist/psychiatrist preapproved by OSPI;

- (3) The Educator shall provide written consent for OPP to release documents to the provider for purposes of completing the evaluation;
- (4) The Educator, if treatment is recommended as a result of the evaluation, shall complete any and all recommended treatment and provide evidence of successful completion or, if continuing treatment is recommended, provide proof of continued compliance in the program to OPP;
- (5) The Educator shall sign a consent allowing the examining psychologist/psychiatrist to provide OPP a summary of the Educator's treatment and the results of his/her evaluation;
- (6) The Educator must submit a new application, including Character and Fitness Supplement, provided by OPP;
- (7) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigation and the Washington State Patrol;
- (8) 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
- (9) The Educator shall assume all costs of complying with the requirements of this Order.

DATED this 11th day of December, 2020.

CHRIS REYKDAL  
Superintendent of Public Instruction  
State of Washington

Signed: Dierk Meierbachtol  
Chief Legal Officer