



SUPERINTENDENT OF PUBLIC INSTRUCTION

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

RE: Kyle Moore
OSPI Case Number: D17-07-069
Document: Agreed Order of Suspension

Regarding your request for information about the above-named educator; attached is a true and correct copy of the document on file with the State of Washington, Office of Superintendent of Public Instruction, Office of Professional Practices. These records are considered certified by the Office of Superintendent of Public Instruction.

Certain information may have been redacted pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **None**

If you have any questions or need additional information regarding the information that was redacted, if any, please contact:

OSPI Public Records Office
P.O. Box 47200
Olympia, WA 98504-7200
Phone: (360) 725-6372
Email: PublicRecordsRequest@k12.wa.us

You may appeal the decision to withhold or redact any information by writing to the Superintendent of Public Instruction, OSPI P.O. Box 47200, Olympia, WA 98504-7200.



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IN THE MATTER OF THE EDUCATION)
CERTIFICATE OF)
)
KYLE MOORE)
Certificate No. 342988C)
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OPP No. D17-07-069

AGREED ORDER
OF SUSPENSION

After receiving and investigating a complaint from Spokane Public Schools (“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 KYLE MOORE (“Educator”), that the Educator engaged in acts of unprofessional conduct to include WAC 181-87-060 and that the Educator’s Washington Education Certificate No. 342988C shall be **SUSPENDED** for not less than six (6) months with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On January 31, 1996, the Educator was issued Washington Education Certificate, No. 342988C. The Educator’s certificate will expire on June 30, 2021.

2. During the 2014–2015 and 2015–2016 school years, the Educator was employed by the School District at Shaw Middle School as an 8th grade teacher.

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3. On July 17, 2017, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint from Dr. Shelley Redinger, the Superintendent of the School District, alleging that the Educator has committed unprofessional conduct pursuant to WAC 181-87 for a violation of WAC 181-87-060.

4. On January 11, 2005, the Educator was issued two letters by Staci Vesneske, District Human Resources Executive Director. One letter summarized a meeting held on December 17, 2004 with Ms. Vesneske. The other letter was a Written Warning for failing to meet work expectations.

5. On March 4, 2010, the Educator grabbed a student by the shirt to redirect the student’s behavior. The Educator shared the information with Shaw Middle School principal, Christine Lynch.

6. On August 26, 2010, the Educator was issued a letter by Tennille Jeffries-Simmons, District Human Resources & Equity Services Director, outlining expectations after an evaluation for fitness was conducted.

7. On June 28, 2011, the Educator was issued a Letter of Counseling after failing to attend an AP Institute training session and failing to communicate the need for absence to his supervisor.

9. During the 2014–2015 school year, the Educator made inappropriate comments to middle school students.

10. On March 23, 2015, the Educator was issued a Written Warning for making inappropriate comments of a sexual nature to middle school students in violation of District Policy and Procedure 5118. The letter states that due to the Educator admitting making inappropriate comments, expressing remorse for his actions, expressing a belief there should be sanctions for his actions, and for his willingness to apologize to students, the District was issuing a Written Warning rather than a Written Reprimand.

12. During the 2015–2016 school year, the Educator made inappropriate, sexual-toned comments and actions to 8th grade students.

13. On April 11, 2016, the Educator was placed on administrative leave.

14. On April 14, 2016, the Educator participated in an interview with Mary Templeton, District Director of Certificated Personnel. During the meeting, the Educator, among other statements, admitted to making most of the alleged comments and actions, stated that he had not followed the 2015 Written Warning directives, and acknowledged that his behavior was inappropriate, had crossed boundaries, and served no educational purpose.

15. On November 8, 2016, the Educator participated in an interview with Mary Templeton, District Director of Certificated Personnel. During the meeting, the Educator explained that his perception about making comments to students “is flawed is (sic) that the large majority have responded with laughter and that I don’t apparently see when they are uncomfortable, their reaction is laughter, my intent was never to make anyone uncomfortable or demean or debase them”.

16. On April 14, 2017, Dr. Redinger issued a Notice of Probable Cause for Discharge/Notice of Probable Cause for Nonrenewal to the Educator. The Educator filed a timely appeal.

17. On July 13, 2017, the Educator signed an Agreement with the District. Per the Agreement, the Educator withdrew his appeal of the Notice of Probable Cause for Discharge/Notice of Probable Cause for Nonrenewal.

18. On May 30, 2018, the Educator participated in an interview with an OPP investigator.

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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(1) by making inappropriate, sexual-toned comments and gestures to students.
4. There is a 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.

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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 181-87-060(1) 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 and agreed that the Washington Education Certificate, No. 342988C of Kyle Moore is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for at least six (6) month from the effective date of this ORDER.

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REINSTATEMENT of Kyle Moore'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) A psychological evaluation which validates his ability to have unsupervised access to students in a school environment, by an evaluator 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 a substance abuse treatment program, continued compliance in the program to OPP;
- (5) The Educator shall sign consent forms allowing OPP to have access to all records pertaining to the evaluation and treatment and to discuss any and all treatment undertaken with the administrator providing the treatment;
- (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 Investigations 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;
- (9) The Educator shall assume all costs of complying with the requirements of this Order.

DATED this 15th day of October, 2018.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington

Signed: Dierk Meierbachtol
Chief Legal Officer

Stipulated to and approved
For entry:

Signed: Kyle Moore, Respondent

Signed: Kevan Montoya, Attorney for Respondent
WSBA # 19212

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