



# 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. D18-06-060
	)	
MARK LUGLIANI	)	FINAL ORDER
Certificate No. 457554D	)	OF MANDATORY
	)	PERMANENT REVOCATION
	)	

After receiving and investigating a complaint from Evergreen Public Schools (“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 MARK LUGLIANI (“Educator”) demonstrated a lack of good moral character and personal fitness pursuant to WAC 181-86-013 and committed an act of unprofessional conduct pursuant to WAC 181-87-080, and does hereby PERMANENTLY REVOKE the Educator’s Washington Education Certificate No. 457554D pursuant to RCW 28A.410.090(4)(c), based on the following Findings of Fact and Conclusions of Law:

## I. FINDINGS OF FACT

1. On September 3, 2008, the Educator was issued Washington Education Certificate No. 457554D. The Educator’s certificate will expire on June 30, 2019 .
2. During the 2017–2018 school year, the Educator was employed by the School District at Evergreen High School as a substitute teacher.

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3. On June 1, 2018, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint from Dr. John Steach, the Superintendent of the School District, alleging that the Educator demonstrated a lack of good moral character and personal fitness pursuant to WAC 181-86-013(1) and committed an act of unprofessional conduct pursuant to WAC 181-87-080.

4. On June 4, 2018, OPP received a complaint from Mark Ross, the Superintendent of Battle Ground Public Schools, alleging that the Educator committed acts of unprofessional conduct by grabbing a student’s shirt collar and yelling at him, as well as making inappropriate comments to female students. These incidents occurred in 2015 and 2017, respectively, but were not reported to OPP at the time they occurred.

5. Student A is a physically disabled special needs female student at Evergreen High School where the Educator would regularly substitute teach. She was fifteen (15) years old at the time of the offense.

6. Beginning in February 2018, the Educator began texting Student A, telling her he loved her, hugging her inappropriately, giving her kisses, and fondling her breasts over her clothes.

7. On March 29, 2018, the Educator was substitute teaching at Evergreen High School. During 5th period, the Educator forced Student A into a science room storage closet, locked the door, and proceeded to molest her. The Educator then made her masturbate him to ejaculation.

8. After the offense, the Educator continued to text Student A, tell her he loved her, and try to hug her.

9. On May 3, 2018, the Educator was substitute teaching at Evergreen High School. The Educator texted Student A to let her know he was substituting at Evergreen High School that day and asked her to come by and have lunch with him. Student A became fearful and reported the previous sexual abuse to a school counselor.

10. Video surveillance shows the Educator entering and exiting the closet on March 29, 2018, with Student A.
11. DNA evidence found at the scene confirmed the Educator's semen was in the closet where the offense was committed.
12. On January 24, 2019, the Educator pleaded guilty to one count of Child Molestation in the Third Degree.
13. On February 22, 2019, the Educator was given an exceptional sentence of 48-months confinement. The standard range for Child Molestation in the Third Degree is a maximum of 12-months. The judge cited the Educator's use of his position of trust or confidence to facilitate the commission of the offense, making an exceptional sentence appropriate under RCW 9.94A.535(3)(n).
14. Further conditions of the Educator's sentence include:
  - a. No contact with minors under the age of eighteen without prior approval from the Community Corrections Officer and sex offender treatment provider.
  - b. No contact with the victim.
  - c. Complete a certified sex offender treatment program.
  - d. May not enter into or frequent establishments or areas where minors congregate without being accompanied by a responsible adult approved by DOC and sex offender treatment provider to include, but not limited to: school grounds, malls, parks, or any other area designated by DOC.
  - e. Submit to polygraph examinations at the direction of the Community Corrections Officer.
15. On February 25, 2019, the Educator filed a Notice of Intent to Appeal his Judgment and Sentence.

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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. Pursuant to WAC 181-86-070, there is clear and convincing evidence the Educator has pleaded guilty to or has been convicted of a crime specified in RCW 28A.410.090(4).

4. On January 24, 2019, the Educator pleaded guilty to Child Molestation in the Third Degree, RCW 9A.44.089. Such a plea mandates OSPI to permanently revoke the Educator's certificate pursuant to RCW 28A.410.090(4)(c), RCW 28A.400.322(2)(j), WAC 181-86-013(1), and WAC 181-86-075(1). Even if the crime against a child committed by the Educator did not mandate a revocation, an analysis of the Educator's conduct under the eleven factors enumerated in WAC 181-86-080 supports a permanent revocation.

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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 181-86-075, RCW 28A.410.090(4), WAC 181-87, and WAC 181-86, 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), committing an act of unprofessional conduct pursuant to WAC 181-87-080, and committing a felony crime under RCW 28A.410.090(4).

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III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate No. 457554D of MARK LUGLIANI is **PERMANENTLY REVOKED**.

DATED this 7<sup>th</sup> day of May, 2019.

CHRIS REYKDAL  
Superintendent of Public Instruction  
State of Washington

  
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Dierk Meierbachtol  
Chief Legal Officer