



SUPERINTENDENT OF PUBLIC INSTRUCTION

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

RE: Dale Van Valkenburg
OSPI Case Number: D16-11-069
Document: 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)	OPP No. D16-11-069
)	
DALE VAN VALKENBURG)	FINAL ORDER
Certificate No. 461688D)	OF SUSPENSION
)	

After receiving and investigating a complaint from Battle Ground Public Schools 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 DALE VAN VALKENBURG (“the Educator”) engaged in acts of unprofessional conduct to include WAC 181-87-060(1), and does hereby suspend the Educator’s Washington Education Certificate No. 461688D for not less than 30 days, based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On March 10, 2009, the Educator was issued a Substitute Teacher Certificate No. 461688D, with no expiration date.
2. The Educator is a retired Special Education Teacher with over thirty (30) years of experience outside of Washington State, most recently in the Portland, Oregon area.
3. The Educator has had no previous disciplinary action through the Office of Professional Practices (OPP).

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4. At the time of the incident, the Educator was working as a substitute teacher in the Battle Ground Public School District, and he was regularly called to substitute for the special education classes at Daybreak Middle School.

5. On or about November 16, 2016, OPP, which is within the Office of Superintendent of Public Instruction (OSPI), received a complaint letter from Mr. G. Mark Hottowe, the Superintendent of Battle Ground Public Schools, alleging the Educator committed an act or acts of unprofessional conduct in violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87-060.

6. Student A is a student diagnosed with Down Syndrome. At the time of the incident, he was enrolled and present in the special education class that the Educator was hired to work as the substitute teacher.

7. On or about September 26, 2016, the Educator was escorting his students to their busses at the end of the school day. Student A refused to go down the stairs leading to the exit. The Educator grabbed Student A by the wrist and pulled him towards the stairs. Student A fell down at the top of the stairs, falling head-first down approximately four to five stairs. At the landing, the Educator stopped, picked up Student A, and placed him back on his feet. Student A and the Educator continued to the bus without any further incident.

8. Student A's mother (the Mother) picked up Student A from the bus stop. Student A was crying and upset. The Mother noticed that Student A had an abrasion on one of his knees. The abrasion was bigger than the size of a half dollar and it was caked in blood.

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9. On or about September 27, 2016, the principal at Daybreak Middle School, Mr. Kevin Palena, viewed security videos that captured the Educator's and Student A's incident from the previous day on the stairs. The Educator was released from his duties as substitute teacher on the same day.

10. On or about September 30, 2016, the Educator received a letter from the school district, notifying him that they would no longer be employing him as a substitute teacher.

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.410.090, RCW 28A.410.010, and WAC 181-86 and WAC 181-87 further implement OPSI'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) when he used inappropriate force with a student, causing the student to fall down the stairs and injure his knee.

4. There is 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, and WAC 181-87-060(1), the Educator's education certificate should be suspended for unprofessional conduct.

III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 461688D, of DALE VAN VALKENBURG is **SUSPENDED**. The Educator may not request reinstatement of her education certificate for at least thirty (30) days from the effective date of this ORDER.

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REINSTATEMENT of Dale Van Valkenburg's education certificate shall require:

- (1) In addition to any mandatory continuing education, the Educator must successfully complete an in-person CLASSROOM MANAGEMENT course, preapproved by OSPI. The Educator will provide OSPI proof of completion of the course prior to requesting reinstatement;
- (2) The Educator must submit a new application, including a Character and Fitness Supplement, provided by OPP;
- (3) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP);
- (4) The Educator's fingerprint background check must return with no criminal convictions, occurring after the date of issuance of a Final Order or Suspension, that are listed in WAC 181-86-013, RCW 28A.410.090, or any felony convictions;
- (5) The Educator shall assume all costs of complying with the requirements of this Order.

DATED This 19th day of May, 2017.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington

Signed: Dierk Meierbachtol
Chief Legal Officer