



# SUPERINTENDENT OF PUBLIC INSTRUCTION

DR. TERRY BERGESON 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. D06-12-094
	)	
	)	FINAL ORDER
Brandon Kafflen	)	OF REVOCATION
Certificate No. 394403J	)	
	)	

COMES NOW the Office of Superintendent of Public Instruction (OSPI), under the authority granted by the laws of the state of Washington, having reviewed the file of the above-referenced case, and having considered the entire evidence contained therein, does hereby revoke the Washington Education Certificate, No. 394403J, of Brandon Kafflen, based on the Findings of Fact and Conclusions of Law set forth below:

### FINDINGS OF FACT

1. Brandon Kafflen was issued a Washington Education Certificate, No. 394403J on January 23, 2002. That certificate currently remains valid.
2. Brandon Kafflen was employed by the Spokane Public Schools.
3. On December 11, 2006, the Office of Professional Practices, within OSPI, received a complaint letter alleging a lack of good moral character or personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 180-87, by Brandon Kafflen.



4. On August 18, 2006, a 16 year old female, [1a] was placed in the home of Mr. Kafflen [1c] [1a] was a student at Shadle Park High School in the Spokane Public Schools.

5. Between September 5, 2006 and November 26, 2006, Mr. Kafflen would massage [1a]'s shoulders while she was using the computer in Mr. Kafflen's residence.

6. On November 26, 2006, Mr. Kafflen suggested to [1a] that they watch a movie in the basement of his residence.

7. On November 26, 2006, while watching the movie, Mr. Kafflen touched [1a] on her hand, neck, throat, upper chest, stomach, waistline area and below the waistline, and breast. Mr. Kafflen also made a comment suggesting that [1a] lay her head in his lap.

8. On November 26, 2006, after [1a] left the basement room and went to her bedroom, Mr. Kafflen approached her and said "I'm confused. I love my wife and kids. I'm sorry I touched you in that way". He also said, "That was stupid. I don't know why I do sometimes stupid things, but that was stupid".

10. On November 30, 2006, a complaint was filed with the Spokane Police Department; Spokane Police Department case number #06-361851.

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11. On November 30, 2006, Mr. Kafflen submitted a letter of resignation to the Spokane Public Schools. Mr. Kafflen resigned his substitute teaching position with the Spokane Public Schools, effective immediately, due to family reasons.

12. On December 3, 2006, Mr. Kafflen admitted to his church, Garland Alliance Church, and his parents that he had done something inappropriate and was leaving his position as a youth pastor.

13. On January 12, 2007, a Criminal Complaint and a Statement of Investigating Officer Affidavit of Facts was filed in Spokane County District Court charging Mr. Kafflen with Sexual Misconduct in the Second Degree (Revised Code of Washington 9A.44.096); Case Number # P00070008.

14. On March 13, 2007, an Amended Criminal Complaint was filed in Spokane County District Court charging Mr. Kafflen with Assault in the Fourth Degree (RCW 9A.36.041); Case Number. On March 13, 2007, Mr. Kafflen signed a Statement of Defendant on Plea of Guilty and pleaded guilty to Assault in the Fourth Degree.

15. On March 13, 2007, Mr. Kafflen was found guilty, by plea, of Assault in the Fourth Degree and sentenced to: 365 days incarceration with 365 days suspended; \$5000 fine and court costs with \$5000 suspended; Sexual Offender Evaluation/Treatment with Dr. Jim Cordell; 24 months monitored probation; \$420 probation fee;

16. On August 8, 2007, Mr. Kafflen was interviewed by an OPP investigator. During the interview, Mr. Kafflen said: that he massaged [1a]'s shoulders; that he touched [1a] on her stomach, neck, throat, and breast; that he told [1a] that he was confused and that he had done a stupid thing. Mr. Kafflen also said that he did not desire [1a] sexually and that he hadn't planned this activity.

17. Good moral character and personal fitness is a continuing requirement to maintain a Washington Education Certificate.

#### CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Brandon Kafflen and over the subject matter of this action.
2. OSPI has shown by clear and convincing evidence, that the Washington Education Certificate, No. 394403J, of Brandon Kafflen, should be revoked as provided for in WAC 180-86-075.
3. Brandon Kafflen has violated chapters: WAC 180-87-080, RCW 28A.410.090, WAC 180-86-013, and/or WAC 180-86-014.

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ORDER

It has been thirty days since the Proposed Order of Revocation was received. The appeal time period has passed. It is hereby ordered that the Washington Education Certificate, No. 394403J, of Brandon Kafflen is Revoked.

DATED This 15<sup>th</sup> day of November, 2007.

DR. TERRY BERGESON  
Superintendent of Public Instruction  
State of Washington



Martin T. Mueller  
Assistant Superintendent  
Student Support and Operations

# Redaction Log

Total Number of Redactions in Document: 12

## Redaction Reasons by Page

Page	Reason	Description	Occurrences
2	1a	RCW 42.56.230(1); RCW 42.56.230(2); RCW 42.56.230 (7)(a); RCW 42.56.070(1); 20 U.S.C. § 1232g; 34 CFR §99.3; 34 CFR §99.31. Personal information in any files maintained for students in public schools are exempt from disclosure. Federal law also prohibits disclosure of personally identifiable information from education records without the consent of the student.	7
2	1c	RCW 42.56.070(1); RCW 42.56.230 (7)(a); 20 U.S.C. § 1232g; 34 CFR §99.31; 34 CFR §99.3. Federal law prohibits disclosure of information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.	1
4	1a	RCW 42.56.230(1); RCW 42.56.230(2); RCW 42.56.230 (7)(a); RCW 42.56.070(1); 20 U.S.C. § 1232g; 34 CFR §99.3; 34 CFR §99.31. Personal information in any files maintained for students in public schools are exempt from disclosure. Federal law also prohibits disclosure of personally identifiable information from education records without the consent of the student.	4

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## Redaction Reasons by Exemption

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1a	<p>RCW 42.56.230(1); RCW 42.56.230(2); RCW 42.56.230 (7)(a); RCW 42.56.070(1); 20 U.S.C. § 1232g; 34 CFR §99.3; 34 CFR §99.31.</p> <p>Personal information in any files maintained for students in public schools are exempt from disclosure. Federal law also prohibits disclosure of personally identifiable information from education records without the consent of the student.</p>	<p>2(7) 4(4)</p>
1c	<p>RCW 42.56.070(1); RCW 42.56.230 (7)(a); 20 U.S.C. § 1232g; 34 CFR §99.31; 34 CFR §99.3.</p> <p>Federal law prohibits disclosure of information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.</p>	<p>2(1)</p>