



SUPERINTENDENT OF PUBLIC INSTRUCTION

RANDY I. DORN 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.D06-02-017
)	
LARRY RICHARDSON)	DENIAL ORDER
Certificate No. 228137F)	FOR CERTIFICATION
)	

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 deny the education application for reinstatement of the revoked certificate of Larry Richardson, Washington Education Certificate, No. 228137F, based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Larry Richardson was issued a Washington Education Certificate, No. 228137F, on June 9, 1978.

2. Larry Richardson was employed by the Yakima School District.

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3. On February 21, 2006, the Office of Professional Practices (OPP), within OSPI, received a complaint letter from the superintendent of the Yakima School District alleging a lack of good moral character or personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87, by Larry Richardson.

4. On January 27, 2006, at about 3:15 P.M., Larry Richardson, Adams Elementary School physical education teacher, was dismissing a 5th grade class. Larry Richardson wanted some students, who he believed to have misbehaved during class, to stay after class and school ended. David Padilla, 5th grade teacher, explained that some students could not stay after because they needed to catch a school bus home. Larry Richardson appeared upset.

5. As the 5th grade students were leaving the gym, I.M., a six year old male student, was walking in the gym going to an after school program held in the gym. I.M. either picked up or kicked a ball that was on the gym floor. Larry Richardson directed the student, I.M. to not kick the ball, and to hand it to him.

6. I.M. threw the ball towards Larry Richardson and walked away from Larry Richardson. Larry Richardson caught the ball and then threw the ball at I.M.; striking I.M. in the back. Larry Richardson ran after I.M., caught up with I.M., grabbed I.M. by the neck with his hands, lifted I.M. off the ground, and shook him. David Padilla, Adams Elementary School teacher, yelled at Larry Richardson and Larry Richardson released I.M. from his grasp. I.M. fell to the floor and struck his head. David Padilla, and Helen Capetillo, Adams Elementary School classified employee, provided aid to I.M.

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7. I.M. was removed from the gymnasium and taken to the school office by Helen Capetillo. Marsha Zack, school counselor, took photographs to document the injuries to I.M.'s neck and head. Larry Richardson came into the office and attempted to apologize to I.M.

8. As a result of the incident with Larry Richardson, I.M. was visibly upset, had marks on his neck, and a bump on the back of his head.

9. On January 27, 2006, Yakima Police Department officers responded to the school and initiated an investigation; Yakima Police Department # 06-01732.

10. On January 27, 2006, Larry Richardson participated in an interview with Yakima School District administrators. Larry Richardson was verbally placed on administrative leave.

11. On January 31, 2006, Larry Richardson participated in at least two (2) interviews with Yakima School District administrators. Larry Richardson was issued a letter placing him on administrative leave.

12. On February 1, 2006, Yakima Police Department Detective Strother conducted a recorded interview with I.M. I.M. stated that Larry Richardson had grabbed him by the neck and thrown him to the ground after he had thrown a beach ball at Larry Richardson; Yakima Police Department # 06-01732.

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13. On February 3, 2006, Detective Strother conducted recorded interviews with David Padilla, and Helen Capetillo; Yakima Police Department # 06-01732.

14. On February 8, 2006, Larry Richardson was arrested by the Yakima Police Department for assault of a child, Revised Code of Washington (RCW) 9A.36.140; Yakima Police Department # 06-01732.

15. On February 13, 2006, Superintendent Soria, of the Yakima School District issued Larry Richardson a Notice of Probably Cause for discharge.

16. On April 6, 2006, an Information and Declaration of Probable Cause were filed in Yakima County Superior Court charging Larry Richardson with one count of Second Degree Assault of a Child, RCW 9A.36.130(1)(a) and 9A.36.021(1)(a); Cause number 06-1-00921-1.

17. On April 26, 2006, Larry Richardson entered into a Resignation, Settlement and Release Agreement with the Yakima School District. Larry Richardson resigned his employment effective April 1, 2006.

18. On August 1, 2006, the Yakima County Prosecutor's Office entered a Motion and Order of Dismissal Without Prejudice. The order listed the reason for dismissal as "Victim Unavailable"; Yakima County Superior Court Cause No. 06-1-00921-1.

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19. On September 14, 2006, Larry Richardson applied for employment with the Wapato School District. Under the "Employment History" Larry Richardson when asked the question: "Have you ever been dismissed, discharged, or non-renewed, or have you separated employment in order to avoid discipline or discharge? Larry Richardson answered "No". In the explanation area he wrote: "Resigned at the advice of my lawyer, Judge found me innocent, she dismissed the case."

20. On January 27, 2008, Larry Richardson participated in a video conference interview with an OPP investigator.

21. On October 3, 2008, during a phone interview with an OPP investigator, Mike Koulentes, who had been the principal over Larry Richardson at Adams Elementary, said he experienced ongoing issues with Larry Richardson's temper both with students and staff. He explained about a student who had gotten in trouble with Larry Richardson, and was made to stand in the middle of a circle while other students were told to throw balls at the child. When Principal Koulentes asked Larry Richardson about the incident, he said the child was wrong and needed to be taught a lesson.

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22. During his interview, Mike Kouleres also said Larry Richardson had been physical and threatening to him as Principal. He explained about an incident in November of 2005, where Larry Richardson was told to remove a head covering inside of the school that the Principal felt was in conflict with the schools gang clothing guidelines, Larry Richardson refused and became enraged with the Principal, bumping his chest into Principal Kouleres, and raising his hand back as if to strike him. Larry Richardson received a written reprimand for that incident. Mike Kouleres stated he has strong concerns over Larry Richardson's temper and the safety of children placed in his care.

23. On November 3, 2008, OPP issued a Proposed Order of Revocation of the Washington educational certificate of Larry Richardson for violation of WAC 181-87-060, RCW 28A.410.090, WAC 181-86-013, WAC 181-86-014 WAC 181-87-050, and/or WAC 392-400-235.

24. On November 24, 2008, Larry Richardson appealed the Proposed Order of Revocation issued by OPP to the Admissions and Professional Conduct Advisory Committee (APCAC).

25. On June 3, 2009, after an informal review hearing, APCAC issued a Final Order of Revocation of the Washington educational certificate of Larry Richardson.

26. On June 29, 2009, Larry Richardson appealed the Final Order of Revocation issued by APCAC to the Office of Administrative Hearings (OAH).

27. On January 26, 2010, after an administrative law hearing, Johnette Sullivan, Administrative Law Judge for OAH, issued a Findings of Fact, Conclusion of Law and Order revoking Larry Richardson's Washington educational certificate. Larry Richardson did not appeal that decision.

28. Per RCW 28A.410.110, if and/or when any certificate or permit authorized under RCW 28A.410 or RCW 28A.405 is revoked, the holder shall not be eligible to receive another certificate or permit for a period of twelve months after the date of revocation.

29. On February 26, 2010, the Washington education certificate issued to Larry Richardson, No. 228137F, was revoked.

30. On March 16, 2011, OPP received Larry Richardson's application to reinstate his revoked Washington education certificate.

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31. On the Character and Fitness Supplement, a part of the application process, Larry Richardson answered 'yes' to questions 3, 4, 9, 10, and 11, section II, Professional Fitness, regarding: currently or ever being the subject of any certificate or licensing investigation or inquiry by any certification or licensing agency for allegations of misconduct; having adverse action taken on any certificate or license; having resigned from or otherwise left any employment while allegations of misconduct were pending; having been dismissed by a past or present employer because of allegations of misconduct; and being the subject of any investigation or inquiry by an employer because of allegations of misconduct. Larry Richardson answered 'yes' to questions 1, 2 and 6, section III, Criminal History, regarding: having been arrested for any crime or violation of the law in the last ten years; having been fingerprinted as a result of any arrest for any crime or violation of the law in the last ten years; and having been under investigation in any jurisdiction for possible criminal charges. Larry Richardson answered 'yes' to question 4, section IV, Fitness, regarding engaging in any conduct which resulted in the physical injury or harm of any person(s).

32. Larry Richardson submitted a written explanation regarding his 'yes' answers stating he did not mean to harm anyone and that he was trying to avoid a possible bad fall with his equipment stretched out over the gym floor. Larry Richardson also stated, "I, Larry Richardson, accept my time away from teaching. I also accept the many false findings in the Final Order."

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33. In Larry Richardson's application for reinstatement of his revoked Washington educational certificate, Larry Richardson did not submit any additional material and/or additional documentation that satisfies the requirement, per WAC 181-86-013, that he has the good moral character and personal fitness necessary to serve as a certificated educator in the state of Washington.

34. Good moral character and personal fitness is a requirement to attain a Washington educational certificate.

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Larry Richardson and over the subject matter of this action.

2. Larry Richardson has failed to provide clear and convincing evidence of good moral character and/ personal fitness to receive a Washington educational certificate, WAC 181-86-013, to receive a Washington educational certificate, WAC 181-86-170.

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ORDER

THEREFORE, it is hereby ordered that the application for reinstatement of Larry Richardson is denied.

This order may be appealed within thirty (30) calendar days from the date of receipt, pursuant to Chapter 181-86 WAC, copy enclosed.

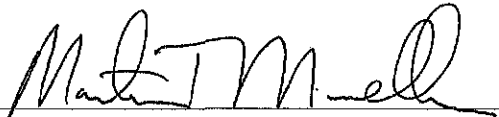
This order will become final thirty days after it is received, unless it is appealed within the thirty day period.

Appeals should be addressed to:

Superintendent of Public Instruction
Office of Professional Practices
PO Box 47200
Olympia, WA 98504

DATED This 18th day of May, 2011.

RANDY I. DORN
Superintendent of Public Instruction
State of Washington



Martin T. Mueller
Assistant Superintendent
Student Support

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