



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)
)
)
Emil Carlson)
Certificate No. 205457E)
_____)

OPP No. D09-12-079

AGREED ORDER
OF SUSPENSION

COMES NOW the Office of Superintendent of Public Instruction, 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 stipulate by and between the Office of Professional Practices (OPP), Office of Superintendent of Public Instruction (OSPI), and Emil Carlson, that the Washington Education Certificate, No.205457E, of Emil Carlson, shall be suspended, based on the Findings of Fact and Conclusions of Law set forth below:

FINDING OF FACTS

1. Emil Carlson was issued a Washington Education Certificate, No. 205457E, on June 14, 1974. That certificate currently remains valid.
2. Emil Carlson is employed by the Kennewick School District.
3. On December 2, 2009, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Kennewick School District alleging a lack of good

EMIL CARLSON
AGREED ORDER OF SUSPENSION



moral character or personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87, by Emil Carlson.

4. Kennewick School District policy and procedure #2313, titled "Electronic Information System (K-12 Networks)", was adopted on November 8, 1995 and amended on August 22, 2001.

5. On August 25, 2008 and August 28, 2009, Emil Carlson signed the "Employee Computer Use Agreement".

6. During the 2008-2009 school year, June and July of 2009, and the 2009-2010 school year, Emil Carlson received and viewed images of nude females, images of partially nude females, and images depicting sexually explicit conduct, as defined in Revised Code of Washington (RCW) 9.68A.011 through his Kennewick School District assigned computer email account.

7. During the 2008-2009 school year, June and July of 2009, and the 2009-2010 school year, Emil Carlson forwarded images of nude females, images of partially nude females, and images depicting sexually explicit conduct, as defined in RCW 9.68A.011 from his Kennewick School District assigned e-mail address to other persons.

8. On October 12, 2009, Emil Carlson forwarded an e-mail that had image attachments of a nude and partially nude female to the Kennewick School District e-mail account of Ken Smith, Kennewick School District Maintenance and Operations Supervisor.

9. On November 25, 2009, Emil Carlson was issued a Letter of Reprimand by Beverly Johnson-Torelli, Kennewick School District Assistant Superintendent for Human Resources, stating that Emil Carlson will be given five (5) deduct days.

10. On August 8, 2011, Emil Carlson participated in an interview with an OPP investigator. On September 1, 2011, OPP received Emil Carlson's signed statement.

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Emil Carlson and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate No.205457E of Emil Carlson, should be suspended as provided in WAC 181-86-070.

3. Emil Carlson has violated RCW 28A.410.090, WAC 181-87-060, WAC 181-86-013 and/or WAC 181-86-014.

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ORDER

THEREFORE, it is hereby ordered and agreed that the Washington Education Certificate, No. 205457E, of Emil Carlson, be suspended for forty five (45) days from the date of entry of this Order.

Reinstatement will require submission of a new application, including Character and Fitness Supplement, provided by OPP and having Emil Carlson's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP). Reinstatement shall also be contingent upon Emil Carlson's fingerprint background check returning with no criminal convictions that are listed in WAC 181-86-013, RCW 28A.410.090, and/or any felony convictions

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

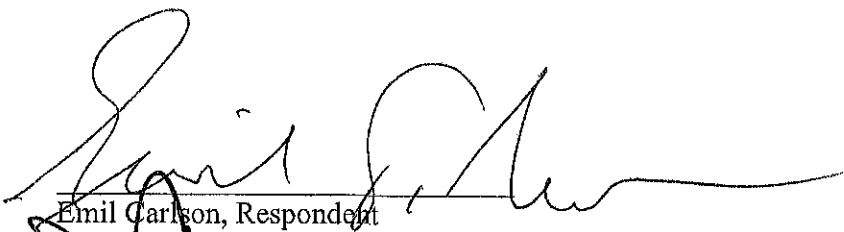
DATED This 24 day of July, 2012.

RANDY I. DORN
Superintendent of Public Instruction
State of Washington

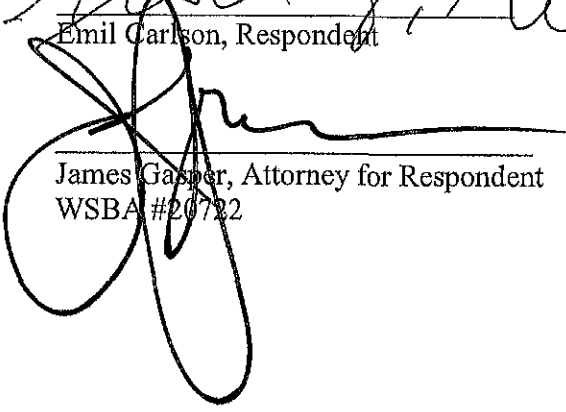
Stipulated to and approved
For entry:


Alan Burke, Ed. D.
Deputy Superintendent
K-12 Education

EMIL CARLSON
AGREED ORDER OF SUSPENSION



Emil Carlson, Respondent



James Gasper, Attorney for Respondent
WSBA #20722