



SUPERINTENDENT OF PUBLIC INSTRUCTION

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IN THE MATTER OF THE EDUCATION)	
CERTIFICATE OF)	OPP No. D18-03-028
)	
MATTHEW MILTON)	FINAL ORDER
Certificate No. 435808A)	OF SUSPENSION
)	

After receiving and investigating a complaint from North Thurston 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 MATTHEW MILTON (“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. 435808A for not less than 60 DAYS with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On June 21, 2006, the Educator was issued Washington Education Certificate No. 435808A. The Educator’s certificate will expire on June 30, 2020.
2. During the 2017–2018 school year, the Educator was employed by the School District at River Ridge High School as a Theater Arts Teacher.
3. On March 13, 2018, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint from Debra Clemens, the Superintendent of the School District, alleging that the Educator has committed unprofessional conduct pursuant to WAC 181-87-060(1).

4. On February 10, 2018, River Ridge High School's theater program put on an event called "Student Work Performance." The event was held at the River Ridge High School Theater on campus. Students write, direct, and perform their own plays at this event. The event was held on a Saturday and approximately thirty (30) students were in attendance during the evening performance. Although some parents and family members were in attendance, the Educator was the sole educator tasked with supervising the students during the event.

5. Behind the theater stage is a "green room" where the students who are not currently performing wait. Inside the "green room" is an office which the Educator occupied. The office has a door that shuts and windows that can be clearly seen through.

6. On February 10, 2018, during the evening performance of the "Student Work Performance," Student A was standing in front of the Educator's office talking with Student B, who was sitting in a chair directly in front of the Educator's office windows. The Educator's door was partially closed and the lights in his office were off.

7. Student A was able to see a reflection of the Educator's laptop screen in a framed picture on the wall of the office behind the Educator. In this reflection, Student A saw pornographic images of nude adult women, some with lingerie and some fully nude, reflected from the Educator's laptop.

8. Student A told Student B what she saw. Student B waited a few minutes and then stood up to look. Student B saw an image of a nude woman being reflected.

9. After the performance ended, Student A texted Student B and indicated that she thought the girls should report what they saw to school administrators. Student B agreed.

10. On February 12, 2018, Student A and Student B reported the incident to the Vice Principal.

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11. The Educator admitted to viewing the pornographic images on his personal laptop both during the evening and morning performance of the “Student Works Performance” on February 10, 2018. He also admitted to using his personally owned cellular phone to access the internet on his laptop to avoid using the School District’s network.

12. The images were not “sexually explicit” as defined by RCW 9.68A.011.

13. The Educator was responsible for supervising the students during these performances.

14. During his interview with an OPP investigator, the Educator took full responsibility and stated he had no excuse and knows it was wrong. The Educator further told the OPP investigator that he has since sought counseling and joined a 12-step group for “problems like this.”

15. On February 14, 2018, the Educator was placed on paid Administrative Leave pending an investigation.

16. On March 6, 2018, the Educator received a two-day suspension for unprofessional conduct and misuse of electronic resources.

17. On March 9, 2018, the Educator was again placed on Administrative Leave pending an investigation into new allegations of unprofessional conduct.

18. On May 10, 2018, the Educator and the School District entered into a Settlement Agreement whereby the Educator was to remain on Administrative Leave until the end of the 2017–2018 school year and thereafter resign and agree to not seek employment with the School District in the future.

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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. The Educator committed acts of unprofessional conduct pursuant to WAC 181-87-060(1) when he flagrantly disregarded or abandoned generally recognized professional standards in the supervision of students by viewing pornographic images during a student performance which he was supervising.
4. There is a clear and convincing evidence that the Educator committed acts of unprofessional conduct pursuant to WAC 181-86-170.
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, WAC 181-87-060(1), the Educator's education certificate should be suspended for unprofessional conduct and/or a behavioral problem which endangers the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting.

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III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate No. 435808A of MATTHEW MILTON is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for at least **60 DAYS** from the effective date of this **ORDER**.

REINSTATEMENT of MATTHEW MILTON'S education certificate shall require:

- (1) If treatment is sought, the Educator shall provide evidence of any and all treatment and provide evidence of successful completion or continued compliance in the program to OPP;
- (2) The Educator shall sign consent forms allowing OPP to have access to all records pertaining to the evaluation and treatment and to discuss any and all treatment undertaken with the administrator providing the treatment;
- (3) The Educator must submit a new application, including Character and Fitness Supplement, provided by OPP;
- (4) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigations and the Washington State Patrol;
- (5) The Educator's fingerprint background check must return with no criminal convictions, occurring after the date of issuance of a Final Order of Suspension, that are listed in WAC 181-86-013, RCW 28A.410.090, or any felony convictions;
- (6) The Educator shall assume all costs of complying with the requirements of this Order.

DATED this 25th day of March, 2019.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington



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Chief Legal Officer