



SUPERINTENDENT OF PUBLIC INSTRUCTION

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IN THE MATTER OF THE EDUCATION)	
CERTIFICATE OF)	OPP No. D22-05-026
)	
Jeffrey Whiston)	FINAL ORDER
Certificate No. 549247E)	OF MANDATORY
)	PERMANENT REVOCATION
)	

After receiving and investigating a complaint from the Pasco School District, the Superintendent of Public Instruction, through his undersigned designee, institutes this proceeding and finds that JEFFREY WHISTON (“Educator”) has been convicted of a crime listed in Revised Code of Washington (RCW) 28A.400.322 and per RCW 28A.410.090(4) does hereby PERMANENTLY REVOKE the Educator’s Washington Education Certificate No. 549247E, based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On April 10, 2018, the Educator was issued Washington Education Certificate No. 549247E. The Educator’s certificate expired on June 30, 2022.
2. During the 2021–2022 school year, the Educator was employed by the School District at Chiawana High School as a photography teacher.
3. On April 22, 2022, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint from Michelle Whitney, the Superintendent of the School District, alleging that the Educator demonstrated a lack of good moral character and personal fitness pursuant to WAC 181-86-013(1) and/or committed an act of unprofessional conduct pursuant to WAC 181-87-080.

4. On April 6, 2022, the Educator took photographs of a 16-year-old female student at his residence using School District equipment.
5. During the photograph session, the Educator instructed the student to pose in such manner that her breasts, buttocks, and genitals were exposed. The Educator also asked the student if she was willing to take completely nude photos; which she declined.
6. On April 12, 2022, the Educator was arrested and booked into Benton County Jail for criminal charges of sex crimes against a minor. The Educator was placed on administrative leave by the School District the same day.
7. On April 15, 2022, an Information was filed in Benton County Superior Court charging the Educator with Sexual Exploitation of a Minor, RCW 9.68A.040, Possession of Depictions of a Minor Engaged in Sexually Explicit Acts 2nd Degree, RCW 9.68A.080(2), and Sexual Misconduct 2nd Degree, RCW 9A.44.096.
8. On June 24, 2022, the School District issued the Educator a Notice of Probable Cause for Adverse Contract Change (Discharge). The Educator did not file an appeal.
9. On August 26, 2022, an Amended Information was filed in Benton County Superior Court charging the Educator with Sexual Exploitation of a Minor, RCW 9.68A.040, and Possession of Depictions of a Minor Engaged in Sexually Explicit Acts 2nd Degree, RCW 9.68A.080(2).
10. On August 26, 2022, a Statement of Defendant on Plea of Guilty was filed in Benton County Superior Court wherein the Educator pleaded guilty to Sexual Exploitation of a Minor, RCW 9.68A.040, and Possession of Depictions of a Minor Engaged in Sexually Explicit Acts 2nd Degree, RCW 9.68A.080(2), and stated that he knowingly caused a minor to engage in sexually explicit conduct and knowingly took and possessed photographs of a minor engaged in sexually explicit conduct for the sexual gratification of the viewer.

11. On September 28, 2022, a Judgment and Sentence was filed in Benton County Superior Court. The Educator was found guilty, by plea, of Sexual Exploitation of a Minor, RCW 9.68A.040, and Possession of Depictions of a Minor Engaged in Sexually Explicit Acts 2nd Degree, RCW 9.68A.080(2), and sentenced to sixty-one (61) months confinement, thirty-six (36) months community custody, sex offender registration and conditions, and fines.

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. Pursuant to WAC 181-86-070, there is clear and convincing evidence the Educator has pleaded guilty to or has been convicted of a crime specified in RCW 28A.410.090(4).

4. Pursuant to RCW 28A.410.090(4) and WAC 181-86-013(1), (2), a plea of guilty or a conviction of Sexual Exploitation of a Minor and Possession of Depictions of a Minor Engaged in Sexually Explicit Acts mandates OSPI to permanently revoke the Educator's certificate.

5. Pursuant to WAC 181-86-170, WAC 181-86-013(4), and WAC 181-86-014, there is clear and convincing evidence the Educator has a behavioral problem that endangers the educational welfare or personal safety of students.

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6. 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.

7. 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 181-86-075, RCW 28A.410.090(4), WAC 181-87-080, and WAC 181-86, the Educator's education certificate should be permanently revoked for demonstrating a lack of good moral character and personal fitness pursuant to WAC 181-86-013(1), committing an act of unprofessional conduct pursuant to WAC 181-87-080, and committing a felony crime under RCW 28A.410.090(4)(c) which bars the Educator from any future practice as an educator.

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III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate No. 549247E of JEFFREY WHISTON is **PERMANENTLY REVOKED**.

DATED this 23rd day of August, 2023.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington



Matthew A. Schultz
Chief Legal and Civil Rights Officer