

Nichole Anderson

certify that on November 24, 2010, I mailed a copy of this document, certified & postage prepaid, to all parties or their counsel of record. I certify under penalty of perjury, under the laws of the state of Washington, that the foregoing is true and correct.

IN THE MATTER OF THE EDUCATION )  
CERTIFICATE OF )  
 )  
JODY MCCREARY )  
Certificate No.376986F )  
\_\_\_\_\_ )

OPP No. D07-07-070  
FINAL ORDER OF  
REVOCATION

COMES NOW Gene Sharratt, Review Officer of the Office of Superintendent of Public Instruction (OSPI), having reviewed the files of the above-referenced case, and having considered the arguments of each party and the recommendation of the Admissions and Professional Conduct Advisory Committee, does hereby order that the Washington Education Certificate, No.376986F of Jody McCreary be revoked based on the Findings of Fact and Conclusions of Law set forth below:

**FINDINGS OF FACT**

1. Jody McCreary was issued a Washington Education Certificate, No. 376986F, on May 3, 2000. That certificate currently remains valid.
  
2. Jody McCreary was employed by the Ephrata School District.  
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3. On July 13, 2007, the Office of Professional Practices, within OSPI, received a complaint letter from the Superintendent of the Ephrata 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 Jody McCreary.

4. During the 2003-2004 and 2004-2005 school years, Jody McCreary had an inappropriate relationship with A.M., a female Ephrata High School student. A.M. graduated from Ephrata School District at the conclusion of the 2004-2005 school year.

5. During the 2003-2004 and 2004-2005 school years, Jody McCreary transported A.M. in her personal vehicle on numerous occasions, including trips to the Seattle area.

6. During the 2003-2004 and 2004-2005 school years, Jody McCreary, on numerous occasions, slept overnight in her residence, A.M.'s residence, and other residences with A.M. During these occasions, Jody McCreary and A.M., at times, shared the same sleeping location.

7. During the 2006-2007 school year, Jody McCreary had an inappropriate relationship with H.L., a female Ephrata High School student.

8. During the 2006-2007 school year, Jody McCreary transported H.L. in her personal vehicle on numerous occasions, including trips to the Seattle area.

9. During the 2006-2007 school year, Jody McCreary, on numerous occasions, slept overnight in her residence, H.L.'s residence, hotel room, and other residences with H.L. During these occasions, Jody McCreary and H.L., at times, shared the same sleeping location.

10. In March of 2007, Jody McCreary and H.L. were returning to Ephrata, WA from a trip to the Seattle area. In Ellensburg, WA, Jody McCreary and H.L. threw eggs at A.M.'s, a female former Ephrata High School student, vehicle and apartment, causing damage to the vehicle; Ellensburg Police Department Report #E07-03506 and Ephrata Police Department report #07EP1136.

11. On March 23, 2007 Jody McCreary and H.L. threw eggs at a vehicle belonging to the sister of A.M., in Ephrata, Washington, causing damage to the vehicle; Ephrata Police Department report #07EP1136.

12. On March 28, 2007, Jody McCreary and H.L. drove to Ellensburg together for the purpose of throwing eggs at A.M.s apartment and vehicle. In Ellensburg, Jody McCreary and H.L. threw eggs at A.M.'s vehicle and apartment in Ellensburg, WA, causing damage to the vehicle; Ellensburg Police Department Report #E07-03506 and Ephrata Police Department report #07EP1136.

13. On March 28, 2007, Jody McCreary was issued Citation #C25449 by Ellensburg Police Department, charging her with Stalking, RCW 9A.46.110, and Malicious Mischief 3<sup>rd</sup> Degree, RCW 9A.48.090; Ellensburg Police Department Report #E07-03506.

14. On March 29, 2007, Jody McCreary informed Brad Smedley, Columbia Ridge Principal, about the incident of throwing eggs at A.M.'s vehicle in Ellensburg. Jody McCreary was directed by Brad Smedley to break all connections with all parties involved.

15. On April 2, 2007, Jody McCreary was placed on administrative leave by the Ephrata School District. As part of the administrative leave, Jody McCreary was directed not to have contact with H.L.

16. On April 4, 2007, A.M. filed for an anti-harassment order against Jody McCreary in Lower Kittitas County District Court.

17. On April 6, 2007, Case #25449 ELL was filed in Lower Kittitas County District Court charging Jody McCreary with Stalking, RCW 9A.46.110, and Malicious Mischief 3<sup>rd</sup> Degree, RCW 9A.48.090.

18. In April of 2007, Jody McCreary had contact with H.L.

19. On April 20, 2007, an Information, Ephrata Police Department Incident Report #07EP1136, and a Motion and Affidavit For Arrest and Detention were filed in Grant County Superior Court, charging Jody McCreary with Malicious Mischief 2<sup>nd</sup> Degree, RCW 9A.48.080; Grant County Superior Court Cause #07-1-00253-0.

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20. On May 2, 2007, a hearing was held in Lower Kittitas District Court regarding the petition for an anti-harrasment order filed by A.M. During the hearing, H.L. was present. A

one-year anti-harassment order was issued, which prohibited contact by Jody McCreary with A.M.; Case #A07-00020.

21. On May 7, 2007, Jody McCreary was present in Grant County Superior Court for a preliminary hearing for Cause #07-1-00253-0. As part of the conditions of release, Jody McCreary was directed to have no contact with H.L.

22. On May 7, 2007, H.L. was at Jody McCreary's residence with Jody McCreary.

23. On May 12, 2007, Jody McCreary attended a birthday party for H.L.'s grandmother.

24. On May 17, 2007, an Information and Ephrata Police Department Incident Report #07EP1136 were filed in Grant County Superior Court, Juvenile Department, charging H.L. with Malicious Mischief 1<sup>st</sup> Degree, Revised Code of Washington (RCW) 9A.48.070; Grant County Superior Court Cause #07-8-00079-6.

25. On June 9, 2007, Jody McCreary signed a Settlement and Release Agreement with the Ephrata School District and submitted her resignation, effective the same day.

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26. On July 9, 2007, an Amended Information was filed in Grant County Superior Court charging Jody McCreary with Malicious Mischief 3<sup>rd</sup> Degree, RCW 9A.48.090; Grant County Superior Court Cause #07-8-00079-6. Jody McCreary signed a Statement of Defendant on Plea of Guilty. Jody McCreary was found guilty by Malicious Mischief 3<sup>rd</sup> Degree and as part of her sentence, Jody McCreary was ordered to obtain a mental health evaluation from a state approved counselor and complete treatment.

27. On July 17, 2007, an Amended Information was filed in Grant County Superior Court, Juvenile Department, charging H.L. with Malicious Mischief 2<sup>nd</sup> Degree, RCW 9A.48.080; Grant County Superior Court Cause #07-8-00079-6. H.L. signed a Statement of Defendant on Plea of Guilty, pleading to Malicious Mischief 2<sup>nd</sup> Degree.

28. On July 23, 2007, an Order on Adjudication and Disposition was filed in Grant County Superior Court, Juvenile Department, finding H.L. guilty of Malicious Mischief 2<sup>nd</sup> Degree, RCW 9A.48.080; Grant County Superior Court Cause #07-8-00079-6.

29. On August 20, 2007, Jody McCreary submitted an application for employment with the Eastmont School District. On the application, Jody McCreary answered 'Yes' to the questions of "Have you ever been convicted of a crime?" and "Are you now the subject of a complaint made to the Office of Superintendent of Public Instruction...?" Jody McCreary submitted an explanation. On the application, Jody McCreary answered 'No' to the question of "Have you ever resigned or otherwise left any employment while allegations of misconduct on your part were pending or under investigation?"

30. On October 4, 2007, Jody McCreary was found guilty of Stalking, RCW 9A.46.110, and Malicious Mischief 3<sup>rd</sup> Degree, RCW 9A.48.090, in Lower Kittitas County District Court; Case #25449 ELL.

31. On July 8, 2009, Jody McCreary participated in an interview with an OPP investigator. On July 17, 2009, Jody McCreary submitted a sworn statement to OPP.

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

**CONCLUSIONS OF LAW**

1. OSPI has jurisdiction over Jody McCreary and over the subject matter of this action.
2. OSPI has shown by clear and convincing evidence, that the Washington Education Certificate, No. 376986F, of Jody McCreary, should be revoked as provided for in WAC 181-86-075.
3. Jody McCreary has violated WAC 181-87-060, RCW 28A.410.090, WAC 181-86-013, and/or WAC 181-86-014.

**ORDER**

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 376986F of Jody McCreary be revoked.

This Order will become final thirty (30) calendar days from the date of receipt of this order unless respondent files an appeal for a formal hearing before the Office of Administrative Hearings. Please direct the appeal and request for formal hearing to Office of Superintendent of Public Instruction, Administrative Law Office, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200.

DATED this 24<sup>th</sup> day of November, 2010.

RANDY I. DORN  
Superintendent of Public Instruction  
State of Washington



DR. GENE SHARRATT  
Review Officer