



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. D11-06-034

David Ostrer)
Certificate No. 331023B)

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 David Ostrer, that the Washington Education Certificate, No. 331023B, of David Ostrer, shall be suspended, based on the Findings of Fact and Conclusions of Law set forth below:

FINDING OF FACTS

1. David Ostrer was issued a Washington Education Certificate, No. 331023B, on June 30, 1994. That certificate currently remains valid.

2. David Ostrer was employed by the Lake Washington School District.

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3. On June 13, 2011, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Lake Washington 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 David Ostrer.

4. During the 2004-2005 school year, David Ostrer, while employed with the Shoreline Public Schools, was investigated for complaints of inappropriate touches to female students. Two female students complained about David Ostrer touching and massaging their shoulders in class. On January 21, 2005, David Ostrer received a non-disciplinary letter documenting the complaints and result.

5. On November 8, 2007, David Ostrer received a Letter of Direction for improper documentation and improper procedures for student IEP's from Shoreline Public Schools.

6. During the 2010-2011 school year, David Ostrer was employed as a special education teacher at Juanita High School in the Lake Washington School District.

7. On September 16, 2010, David Ostrer attended and completed the Lake Washington School Districts presentation covering "Educators and Touching, Harassment, and Human Dignity". He was also given and informed of his obligation to read accompanying written material.

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8. During the 2010-2011 school year, David Ostrer, on multiple occasions, had inappropriate physical contact with female students to include, but not limited to: placing his hands on their shoulders and massaging for differing amounts of time; massaging the necks of female students; placing his arm around the waists of female students; placing his arm around the lower shoulder blade area so that his hand was alongside the female student's torso and his fingers touched their breast; placed his hand upon their upper leg, including the thigh near the crotch area; and multiple frontal hugs.

9. During the 2010-2011 school year, David Ostrer, on multiple occasions, made inappropriate comments to female students including, but not limited to: comments about their physical appearance; asking female students about their personal lives; and telling one student that he could fit her in a suitcase and take her home.

10. During the 2010-2011 school year, David Ostrer played music with inappropriate lyrics to students in his classes.

11. During the 2010-2011 school year, David Ostrer gave money to female student teaching assistants and offered to provide other monies to them.

12. During the 2010-2011 school year, David Ostrer recruited a 10th grade female student, R.F., to be a teaching assistant for him and encouraged the process with R.F.'s mother against the wishes of R.F.'s IEP case manager, James Henry.

13. On March 8, 2011, David Ostrer was placed on administrative leave.

14. In March and May of 2011, David Ostrer participated in investigatory interviews with Lake Washington School District administrators.

15. On May 11, 2011, David Ostrer was issued a Notice of Suspension and Non-Renewal of Provisional Contract. On May 18, 2011, David Ostrer sent written notice to the superintendent requesting a meeting.

16. On June 2, 2011, David Ostrer completed an application for certificated employment with the Snoqualmie Valley School District. On the application, under Contracted Certificated Experience, David Ostrer listed being employed with the Lake Washington School District on a one year, non-continuing contract. David Ostrer answered No to the question of "Have you ever been dismissed, discharged, or have you separated employment in order to avoid discipline or discharge?" and David Ostrer intentionally failed to answer the question of "Are you presently in an employment situation where nonrenewal, discharge, or discipline is being discussed?"

17. On the resume David Ostrer submitted with his Snoqualmie Valley School District employment application, David Ostrer intentionally omitted listing the Lake Washington School District as an employer in the Teaching Related Experience section. Juanita High School was listed in the Work History section with no information other than location and dates of employment.

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18. On June 6, 2011, David Ostrer participated in an informal meeting with the Lake Washington School District superintendent. On June 8, 2011, David Ostrer was issued a letter advising him that his contract was being non-renewed and the School Board would hear the superintendent decision on June 20, 2011.

19. On July 11, 2011, David Ostrer signed a certificated employment contract with the Snoqualmie Valley School District.

20. On September 14, 2011, David Ostrer was placed on administrative leave for allegations of intentionally falsifying or intentionally misrepresenting material facts on his application for employment.

21. On September 28, 2011, David Ostrer received notice from OPP of the complaint from Lake Washington School District and that he was under investigation for allegations of misconduct. On September 28, 2011, David Ostrer participated in an interview with Snoqualmie Valley School District administrators.

22. On October 17, 2011, David Ostrer was issued a Notice of Final Determination of Probable Cause for Dismissal from The Snoqualmie Valley School District.

23. On November 16, 2011, David Ostrer signed a Settlement Agreement with the Snoqualmie Valley School District and submitted a letter of resignation; resigning his employment effective December 31, 2011.

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24. On November 22, 2011, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Snoqualmie Valley 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 David Ostrer.

25. In or about November 2011, David Ostrer submitted his resume to the Eastside Preparatory School. On the resume, David Ostrer failed to list Lake Washington School District and Snoqualmie Valley School District under Teaching Related Experience.

26. On December 1, 2011, David Ostrer signed an employment contract with the Eastside Preparatory School. After being offered a position, David Ostrer completed an application for employment for Eastside Preparatory School. On the application, David Ostrer listed Lake Washington School District as a previous employer but wrote "See resume" rather than responding to the questions and completing the form. David Ostrer intentionally omitted Snoqualmie Valley School District from the application.

27. On January 23, 2013, David Ostrer participated in an interview with an OPP investigator.

28. On February 14, 2013, OPP received David Ostrer's signed statement.

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over David Ostrer and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate No. 331023B, of David Ostrer, should be suspended for unprofessional conduct and/or lack of good moral character or personal fitness. RCW 28A.410.090; WAC 181-86-070; WAC 181-87-060; WAC 181-87-050; WAC 181-86-013; WAC 181-86-014.

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ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 331023B, of David Ostrer be suspended for twenty-four (24) months.

REINSTATEMENT will require: (1) successful completion of a psychological evaluation which validates David Ostrer's ability to have unsupervised access to students in a school environment, by an evaluator mutually agreed upon by the Office of Professional Practices and David Ostrer; (2) that David Ostrer provide written consent for OPP to release documents to the provider for purposes of completing the evaluation; (3) that David Ostrer follows and completes any and all treatment recommended in the evaluation; (4) that David Ostrer will provide OPP with evidence of his successful completion of or continued compliance in his/her treatment program and; (5) if requested, David Ostrer will sign consent forms authorizing OPP to have access to all records pertaining to his treatment and to discuss any and all treatment undertaken with the providers administering treatment. The cost of conformance to all reinstatement requirements will be the responsibility of David Ostrer.

AND Reinstatement shall (also) require: (1) submission of a new application, including Character and Fitness Supplement, provided by OPP and having David Ostrer fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP); and (2) that if David Ostrer education certificate expires during the period of suspension, David Ostrer will show that he meets all academic requirements for renewal/reinstatement of the education certificate. Reinstatement shall also be contingent upon David Ostrer fingerprint background check returning with no criminal convictions that are listed in WAC 181-86-013, RCW 28A.410.090, any felony convictions.


DATED This 17 day of May, 2013.

RANDY I. DORN
Superintendent of Public Instruction
State of Washington

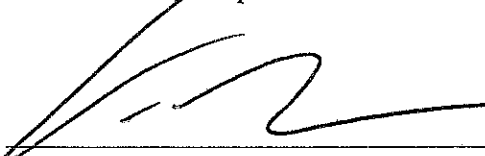
Stipulated to and approved
For entry:



David Ostrer, Respondent



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



Kevin Peck, Attorney for Respondent

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