



# SUPERINTENDENT OF PUBLIC INSTRUCTION

DR. TERRY BERGESON OLD CAPITOL BUILDING • PO BOX 47200 • OLYMPIA WA 98504-7200 • <http://www.k12.wa.us>

IN THE MATTER OF THE EDUCATION )  
CERTIFICATE OF )  
 )  
Charles E. Yusi )  
Certificate No. 432063F )  
\_\_\_\_\_ )

OPP No. D05-12-138  
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 Charles E. Yusi, that the Washington Education Certificate, No. 432063F, of Charles E. Yusi, shall be suspended, based on the Findings of Fact and Conclusions of Law set forth below:

### FINDING OF FACTS

1. Mr. Yusi was issued a Professional Education Permit on September 1, 2005, valid for the Okanogan School District only. That permit expired February 28, 2006.
2. Charles Yusi was issued a Washington Education Certificate, No. 432063F, on December 12, 2005. That certificate currently remains valid.
3. Charles Yusi was employed by the Okanogan School District as a substitute teacher.

CHARLES YUSI  
AGREED ORDER OF SUSPENSION



4. On December 9, 2005, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Okanogan 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 Charles E. Yusi.

5. On March 27, 1998, Mr. Yusi was arrested for Driving a Motor Vehicle while Under the Influence and/or Affected by Intoxicating Liquors and Minor in Possession of Alcohol. During the arrest procedure, Mr. Yusi refused to provide a sample of his breath for a BAC Verifier breath test.

6. On May 22, 1998, Robert Mullenix, Hearing Officer for the Washington State Department of Licensing (DOL), upheld a decision to revoke Mr. Yusi's driving privilege for one year.

7. On December 16, 1999, Mr. Yusi confronted Okanogan County Sheriff's Office Sergeant T. Harrison with a wooden cane, was verbally belligerent towards the deputy sergeant, swung at the sergeant with closed fists, and punched the sergeant. Mr. Yusi was arrested and booked into the Okanogan County Jail for Assault 3<sup>rd</sup> Degree, a felony offense (RCW 9A.36.031); Okanogan County Sheriff's Office Report #69394. In the report, Sergeant T. Harrison documents prior contacts with Mr. Yusi and his discussions of mental health with Mr. Yusi and subsequent observations of erratic behavior by Mr. Yusi.

8. On March 9, 2000, Mr. Yusi entered a plea of guilty to Assault 4<sup>th</sup> Degree; Okanogan County Superior Court Cause No. 99-1-00350-9. Mr Yusi was sentenced to 365 days in jail,

with credit for five days served, and 355 days of incarceration were suspended for a period of 2 years.

9. On October 10, 2000, Mr. Yusi signed a Character and Fitness Supplement of an Application for Washington Residency Teaching Certificate through Eastern Washington University. In Section III, Mr. Yusi answered "yes" to questions #1, 2, and 3. In a written explanation to these "yes" answers, Mr. Yusi stated: "On December 16<sup>th</sup>, in an isolated incident I behaved irrationally. If this event represented a pattern of behavior I would not even consider teaching...I made a poor decision by losing my temper, and I will never put myself in such a situation again...I hope it is realized this was an isolated incident that will never be repeated".

10. On October 10, 2000, Mr. Yusi signed a Character and Fitness Supplement of an Application for Washington Residency Teaching Certificate through Eastern Washington University. In Section II, Mr. Yusi answered "no" to question #4, which states "Have you ever had any adverse action taken on any certificate or license?" (Adverse action includes letters of warning, reprimands, suspensions [including stayed], revocations, voluntary surrenders or voidance.) Mr. Yusi did not disclose that DOL had revoked his driving privileges in 1998.

11. On October 10, 2000, Mr. Yusi signed a Character and Fitness Supplement of an Application for Washington Residency Teaching Certificate through Eastern Washington University. In Section IV, Mr. Yusi also answered "no" to question #4, which states "Have you ever engaged in conduct which resulted in the physical injury or harm of any person(s)?" On December 16, 1999, Mr. Yusi was arrested for confronting a commissioned law enforcement officer with a wooden cane, for attempting to punch the law enforcement officer, and for

punching a law enforcement officer. On March 9, 2000, Mr. Yusi pleaded guilty to Assault 4<sup>th</sup> Degree where the victim was the law enforcement officer.

12. On March 17, 2001, Mr. Yusi was arrested for misdemeanor charges for Driving a Motor Vehicle While Under the Influence of Intoxicating Liquors; Omak Police Department Case #01-223. When the Omak Police Officer began to initiate contact with Mr. Yusi, Mr. Yusi ran from his vehicle and away from the Omak Police Officer.

13. On April 30, 2001, Mr. Yusi pleaded guilty to misdemeanor charges for Driving a Motor Vehicle While Under the Influence of Intoxicating Liquors. Mr. Yusi was sentenced to 365 days in jail with 320 days suspended and credit for 1 day previously served, \$1325 in fines with all but \$425 suspended. He was also placed on probation for a period of 5 years.

14. On April 8, 2002, Mr. Yusi was issued an Agreed Order of Stayed Suspension for twenty-four months; OPP No. A01-01-0064. The Agreed Order of Stayed Suspension was issued for: March 9, 2000 conviction for Assault 4<sup>th</sup> Degree; April 1998 arrest for Driving a Motor Vehicle while Under the Influence and/or Affected by Intoxicating Liquors and Minor in Possession of Alcohol; an undisclosed March 2001 arrest and subsequent conviction for Driving a Motor Vehicle while Under the Influence and/or Affected by Intoxicating Liquors. The Agreed Order of Stayed Suspension was good for one year from date of issuance, if Mr. Yusi had not obtained a Washington educational certificate.

15. On September 20, 2003, Mr. Yusi submitted a Washington State University Institutional Application for Teacher Certificate,

16. In Section II of the Character and Fitness Supplement of the Application for Institutional Application for Teacher Certificate, Mr. Yusi answered “no” to question #4, which states “Have you ever had any adverse action taken on any certificate or license? (Adverse action includes letters of warning, reprimands, suspensions [including stayed], revocations, voluntary surrenders or voidance.) Mr. Yusi did not disclose the prior Agreed Order of Stayed Suspension and did not disclose that DOL had revoked his driving privileges in 1998. Mr. Yusi also did not disclose that as of February 6, 2003, DOL had suspended/revoked his driving privileges.

17. In Section IV of the Character and Fitness Supplement of the Application for Institutional Application for Teacher Certificate, Mr. Yusi also answered “no” to question #4, which states “Have you ever engaged in conduct which resulted in the physical injury or harm of any person(s)?” On December 16, 1999, Mr. Yusi was arrested for confronting a commissioned law enforcement officer with a wooden cane, for attempting to punch the law enforcement officer, and for punching a law enforcement officer. On March 9, 2000, Mr. Yusi pleaded guilty to Assault 4<sup>th</sup> Degree where the victim was the law enforcement officer.

18. On April 23, 2004, Mr. Yusi was issued an Agreed Order of Stayed Suspension for twenty-four months; OPP No. A01-01-0064. The Agreed Order of Stayed Suspension was good for one year from date of issuance, if Mr. Yusi had not obtained a Washington educational certificate.

19. On October 20, 2004, Mr. Yusi sent an e-mail to Washington State University (WSU) stating that he was withdrawing from the teaching and learning program “because my mental illness is progressing in a way that makes the stress of the classroom impossible”.

20. On October 20, 2004, Mr. Yusi sent an e-mail to Christine Sodorff, WSU Teaching and Learning Program. In the e-mail, Mr. Yusi states that: he was starting classes at the Spokane Mental Health's outpatient program; "I always want to pretend I have beat this disease"; and "I wish WSU had a way of forcing treatment because I would have had a better chance".

21. On April 21, 2005, OSPI Certification received an Application for Washington State Emergency Substitute Certification from Mr. Yusi.

22. In Section II of the Character and Fitness Supplement of the Application for Washington State Emergency Substitute Certification, Mr. Yusi answered "no" to question #4, which states "Have you ever had any adverse action taken on any certificate or license? (Adverse action includes letters of warning, reprimands, suspensions [including stayed], revocations, voluntary surrenders or voidance.) Mr. Yusi did not disclose the prior Agreed Order of Stayed Suspension and did not disclose that DOL had revoked his driving privileges in 1998. Mr. Yusi also did not disclose that as of February 6, 2003, DOL had suspended/revoked his driving privileges.

23. In Section III of the Character and Fitness Supplement of the Application for Washington State Emergency Substitute Certification, Mr. Yusi answered "yes" to questions #1, 2, and 3. In his written response to these questions, Mr. Yusi states: that in the fall of 2004, he was cleared to student teach through WSU; the reason that he did not student teach and the reason he has 2 DUI's in 1998 and 2002 plus a misdemeanor assault of an officer in 1999 is because he is bipolar, also known as manic-depression; he has lived with this condition for 10 years and it remains to be seen if he can function in a classroom; and while most days he is 'normal', he has gone through manic periods where he does behave irrationally and suffers impaired judgment.

24. In Section IV of the Character and Fitness Supplement of the Application for Washington State Emergency Substitute Certification, Mr. Yusi also answered “no” to question #4, which states “Have you ever engaged in conduct which resulted in the physical injury or harm of any person(s)?” On December 16, 1999, Mr. Yusi was arrested for confronting a commissioned law enforcement officer with a wooden cane, for attempting to punch the law enforcement officer, and for punching a law enforcement officer. On March 9, 2000, Mr. Yusi pleaded guilty to Assault 4<sup>th</sup> Degree where the victim was the law enforcement officer.

25. On August 24, 2005, OPP received a letter from Catherine MacLennan, PhD, stating that she completed a standard psychological evaluation with Mr. Yusi. Dr. MacLennan stated, “Although Charles has a history of a mood disorder (Bipolar Disorder), he has received treatment, has treatment available if needed, and is stable and safe to teach. I see no reason to be concerned that he would have any detrimental effect on children or teenagers”.

26. On September 7, 2005, Mr. Yusi was issued official notice of application clearance from OPP; based upon the professional evaluation by Dr. MacLennan.

27. From September 22, 2005 to December 6, 2005, Mr. Yusi served as a substitute teacher for a total of 21 days within the Okanogan School District.

28. On an unknown day between September 22, 2005 and November 17, 2005, Mr. Yusi grabbed the arm of a 14 year old male student, BT, and pushed him against a classroom wall.

29. On December 6, 2005, Mr. Yusi grabbed BT by the left arm and removed him from the classroom for inappropriate behavior. After an unknown amount of time, BT entered the classroom and Mr. Yusi shoved BT with enough force that BT was flung out the door and across the hallway. BT struck the adjacent wall, causing injury to his head.

30. Mr. Yusi, later reported the incident with BT to the school principal, Brett Baum. During the conversation, Mr. Yusi stated that when the student refused to leave the classroom, he had shoved the door against BT hard and said "I know I probably shouldn't have done that".

31. Mr. Yusi was released from his duties and removed from the substitute teacher list while the incident was being investigated by Dr. Richard A. Johnson, Superintendent of Okanogan School District.

32. Okanogan County Sheriff's Office conducted an investigation into allegations of assault by Mr. Yusi; Okanogan County Sheriff's Office report #J200511488. On December 14, 2005, during an interview with an Okanogan County Sheriff's Office deputy sheriff, Mr. Yusi admitted to: losing his temper with BT; pushing BT in the chest with both of his hands, causing BT to go out into the hallway, fall to the floor, slide across the hallway, and strike the adjacent wall with his head.

33. On December 14, 2005, Mr. Yusi was issued citation # C0019121; charging him with the misdemeanor crime of Assault in the Fourth Degree, RCW 9A.36.041.

34. On May 5, 2006 Mr. Yusi was found guilty of Assault in the Fourth Degree. He was sentenced to 365 days incarceration, with 365 days suspended, and total court costs of \$718.

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

**CONCLUSIONS OF LAW**

1. OSPI has jurisdiction over Charles E. Yusi and over the subject matter of this action.
  
2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate, No. 432063F, of Charles E. Yusi, should be suspended as provided for in WAC 181-86-070.
  
3. Mr. Yusi has violated WAC 181-87-060, WAC 181-86-013, WAC 181-86-014, WAC 180-40-235, and/or RCW 28A.410.090.

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**ORDER**

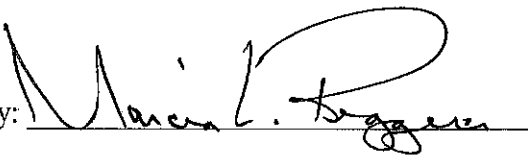
THEREFORE, it is hereby ordered and agreed that the Washington Education Certificate, No. 432063F, of Charles E. Yusi, be suspended for sixty (60) months from the date of entry of this Order.

Reinstatement shall require: successful completion of a physical and mental health evaluation by an evaluator mutually agreed upon by Mr. Yusi and OPP; that Mr. Yusi provide a signed consent form authorizing OPP to release any and all files to the mutually agreed upon evaluator prior to an evaluation; signed consent forms from Charles Yusi authorizing OPP to have access to all records pertaining to his evaluation and treatment; signed consent forms from Charles Yusi authorizing OPP to discuss any and all treatment undertaken with the providers administering treatment; successful completion of any and all treatment plans recommended or prescribed by the mutually agreed upon evaluator; a certified letter from the mutually agreed upon evaluator which validates that Mr. Yusi is able to have unsupervised access to children in the public and private school system in the State of Washington; and the cost of conformance to all reinstatement requirements will be the responsibility of Charles Yusi.

AND Reinstatement shall also require submission of a new application, provided by OPP and having Charles Yusi's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP).

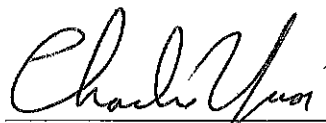
DATED This 30<sup>th</sup> day of October, 2006.

DR. TERRY BERGESON  
Superintendent of Public Instruction  
State of Washington

By: 

Assistant Superintendent  
Student Support and Operations

Stipulated to and approved  
For entry; notice of presentation  
waived:



Charles E. Yusi, Respondent

CHARLES YUSI  
AGREED ORDER OF SUSPENSION