



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)
APPLICATION OF)

GEORGE CALDWELL)
DOB: [REDACTED]/1956)

OPP No. A02-01-0022

DENIAL ORDER
FOR CERTIFICATION

COMES NOW the Office of Superintendent of Public Instruction (OSPI), 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 deny the education application of GEORGE CALDWELL based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. George Caldwell applied for a Washington Emergency Substitute Education Certificate on December 3, 2001.
2. On the Character and Fitness Supplement, a part of the application process, Mr. Caldwell answered "yes" to questions 9, 10 and 11 of section II, which involve employee misconduct.
3. George Caldwell was employed by P: 1 7 ansit Services from June 1997 to March 2000.

GEORGE CALDWELL

4. In March of 1998, George Caldwell was given a two-day suspension without pay by Paratransit Services. Mr. Caldwell disobeyed a direct order. He was directed to assist as a "driver" due to personnel shortages. Mr. Caldwell refused to assist as a driver.

5. In August of 1998, a complaint was received by Paratransit Services from personnel charging George Caldwell with sexual harassment. An investigation was executed with the following findings:

A) George Caldwell requested another driver follow him 8 miles to deliver a wheelchair passenger in his bus.

B) Once the wheelchair passenger was delivered, George Caldwell entered the other driver's bus. He remained on the bus for at least ten minutes.

C) George Caldwell invited the driver to his house, and was accused of making harassing comments that were sexual in nature.

The investigation did not reveal the exact nature of what occurred on the drivers bus and the charges were not confirmed beyond a preponderance of the evidence, however, Mr. Caldwell's past behavior was taken into consideration. George Caldwell was found to have violated an agency policy and was given a three-day suspension without pay.

6. In January of 2000, George Caldwell was terminated due to a policy violation. George Caldwell brought a lawsuit against Paratransit Services. A settlement agreement was reached outside of a court of law. It was agreed upon that Mr. Caldwell's termination be changed to a resignation.

7. Good moral character and personal fitness is a requirement to attain a Washington Education Certificate.

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over George Caldwell and over the subject matter of this action.
2. George Caldwell has failed to provide clear and convincing evidence of good moral character or personal fitness to receive a Washington education certificate, Washington Administrative Code (WAC) 180-86-170.

ORDER

THEREFORE, it is hereby ordered that the application for certification of George Caldwell is denied.

This order may be appealed within thirty (30) calendar days from the date of receipt, pursuant to Chapter 180-86 WAC, copy enclosed.

DATED this 9th day of December, 2002.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington

By: Michael L. Bigelow
Michael L. Bigelow
Associate Superintendent
19 Budget and School Business Services