



# 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 )

Joseph DiSalvatore )  
Certificate No: 279468C )

OPP No. A05-03-0114

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 Joseph DiSalvatore based on the Findings of Fact and Conclusions of Law set forth below:

### FINDINGS OF FACT

1. Joseph DiSalvatore applied for a Washington education certificate on March 15, 2005. He previously held a Washington initial teacher certificate no: 279468C, issued August 31, 1987 which expired August 31, 1991.
2. The application and Character and Fitness Supplement (C&FS), a part of the application process were received at the Educational Service District 113 on March 23, 2005. The affidavit on the application is dated March 15, 2005. The affidavit on the C&FS has a date of May 15, 2005. Mr. DiSalvatore answered 'no' to all of the questions on the C&FS.



3. March 30, 2005, Joseph DiSalvatore contacted Educational Service District 113 regarding the status of his application. He was informed that the application was being referred to the Office of Professional Practices because of the notification of disciplinary action listed in the certification (VAXA) database.

4. A routine check of the certification (VAXA) database showed a disciplinary action for Joseph DiSalvatore. The information was received from NASDTEC/ACADEM clearinghouse and listed Florida State as the reporting agent.

5. April 5, 2005, Joseph DiSalvatore submitted an amended Character and Fitness Supplement (C&FS) to the Office of Professional Practices in which he answered 'yes' to questions number 3 and 4 in Section II – Professional Fitness, regarding a previous investigation by certificate or licensing agency for allegations of misconduct and adverse action taken against a certificate or license.

6. Mr. DiSalvatore included a statement regarding the 'yes' answers on the C&FS. He stated that May, 2001 he opened an email that included a link to a website. He opened the link without thinking and was logged onto a site that contained among other things pornographic material. He further stated that he resigned his position, the State of Florida revoked his teaching certificate and has been unsuccessful in three appeal attempts to have it overturned. Mr. DiSalvatore indicates in the written statement that on March 30, 2005 he inadvertently discovered that a family member had switched his application packet in an attempt to help him regain his certificate that did not contain his Florida State teaching history.

7. Margaret DiSalvatore, Joseph DiSalvatore's mother, states that she submitted an application packet for Joseph that did not contain any information on his Florida teaching history. Ms. DiSalvatore states: "I was helping Joe fill some out and had him sign them not realizing what I had not written, he signed it and I mailed it out."

8. On May 21, 2001, Joseph DiSalvatore resigned his teaching position with the Osceola County, Florida School District. On the amended C&FS submitted, Mr. DiSalvatore answered 'no' to question 9, Section II which states "Have you ever resigned from or otherwise left any employment (e.g., settlement agreement) while allegations of misconduct were pending?"

9. A statement received by the Osceola County School District on May 18, 2001, signed by Joseph DiSalvatore indicated that throughout the school year, he had visited inappropriate websites while using his school district computer. He stated that he had never had a student present and was always alone in his office.

10. A statement by John C. White, Principal, Deerwood Elementary School, Osceola County School District dated September 27, 2001 indicated that the search on the school district hard drive revealed that these inappropriate sites had been visited on multiple occasions prior to May 18, 2001.

11. July 30, 2002, The Education Practices Commission of the state of Florida issued an administrative complaint alleging that on or about May, 2001, Joseph DiSalvatore accessed pornographic Internet sites from his school issued computer. Included in the investigative documentation were over 100 pages listing inappropriate websites visited, on May 17, 2001 and May 18, 2001, from Mr. DiSalvatore's school issued computer.

12. May 5, 2003, the Education Practices Commission of the State of Florida issued an order that permanently revoked the Florida Educator's Certificate of Mr. Joseph DiSalvatore and permanently barred him from applying for another.

13. Good moral character and personal fitness is a requirement to attain a Washington educational certificate.

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Joseph DiSalvatore and over the subject matter of this action.
  
2. Joseph DiSalvatore 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 Joseph DiSalvatore 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.

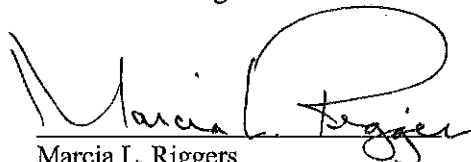
This order will become final thirty days after it is received, unless it is appealed within the thirty day period.

Appeals should be addressed to:

Superintendent of Public Instruction  
Office of Professional Practices  
PO Box 47200  
Olympia, WA 98504

DATED this 8<sup>th</sup> day of August, 2005.

DR. TERRY BERGESON  
Superintendent of Public Instruction  
State of Washington



Marcia L. Riggers  
Assistant Superintendent  
Student Support and Operations