



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)
ERIC GARRETT)
Certificate No. 354716C)

OPP No. A09-09-309
AGREED ORDER
OF DENIAL

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 Eric Garrett, that the Washington Education Certificate, No.354716C, of Eric Garrett, shall be denied for a six (6) months, based on the Findings of Fact and Conclusions of Law set forth below:

FINDING OF FACTS

- Eric Garrett was issued a Washington educational certificate, 354716C, on July 25, 1997. That certificate expired on August 31, 2001. Eric Garrett applied and received a Washington Continuing Teacher certificate on May 13, 2002. That certificate expired on June 30, 2007.
- Eric Garrett was employed by the Steilacoom Historical School District.

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3. On April 20, 2007, the Steilacoom Historical School District notified Eric Garret that his teaching certificate was going to expire on June 30, 2007. The notice directed him to contact the Puget Sound Educational Service District (ESD) or the OSPI Certification Office for information on the renewal of his certificate and forward a copy of his renewed certificate to the district office.

4. On June 9, 2008, Eric Garrett signed a Steilacoom Historical School District Certificated Personnel Contract which states Mr. Garrett must hold a valid teaching certificate. Mr. Garrett's certificate was not valid at the time of signing the contract.

5. On June 19, 2008, Penny Jackson, Assistant Superintendent of Steilacoom Historical School District signed a District Request for Transitional Certificate for Eric Garrett. The District Request for Transitional Certificate was not received in the OSPI Certification Office until May 22, 2009. An application for Washington State Continuing Certification Reinstatement, including Character and Fitness Supplement, was not included.

6. During the 2008-2009 school year, during classroom instruction time, Eric Garrett used Steilacoom Historical School District computer equipment to electronically exchange emails, containing sexually explicit language and acronyms, with a former Steilacoom Historical School District certificated staff member.

7. On June 12, 2009, Eric Garrett signed a Steilacoom Historical School District Certificated Personnel Contract which states Mr. Garrett must hold a valid teaching certificate.

8. On July 13, 2009, Eric Garrett participated in an interview, conducted by Christopher Burton, in which he acknowledged signing the Steilacoom Historical School Districts Staff Acceptable Use Overview of Electronic Resources Policy 2022. Eric Garrett also acknowledged that the email exchange with the former certificated staff member had been occurring for up to two years prior to the district's discovery and admitted to having four or five off campus rendezvous' with the certificated staff member during his lunch and planning time.

9. On August 7, 2009, Eric Garret was placed on Administrative Leave.

10. On August 14, 2009, Steilacoom Historical School District issued a Notice of Probable Cause for Discharge from Employment to Eric Garrett. An Amended Notice of Probable Cause for Discharge from Employment was issued to Eric Garrett on August 25, 2009.

11. On August 24, 2009, Eric Garrett submitted to Puget Sound ESD an application and Character and Fitness Supplement to reinstate his Washington education certificate. OSPI received the application packet on August 31, 2009.

12. On the Character and Fitness Supplement, a part of the application process, Eric Garrett answered 'yes' to questions 3, 4, 7, 10, and 11, section II, Professional Fitness regarding being the subject of a certificate or licensing investigation or inquiry for allegations of misconduct, having adverse action taken on any certificate or license, having practiced in any educational position in a public school without the appropriate valid educational certificate, having been

disciplined by a past or present employer because of allegations of misconduct, and currently or ever being the subject of any investigation or inquiry by an employer because of allegations of misconduct. As part of the character and fitness supplement, Eric Garrett submitted a written explanation regarding his 'yes' answers.

13. On September 15, 2009 the Office of Professional Practices, within OSPI, received a complaint letter from Dr. Cathy Davidson, Superintendent of Steilacoom Historical 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 Eric Garrett.

14. On September 23, 2009, Eric Garrett signed a Last Chance Settlement Agreement.

15. Good moral character and personal fitness is a continuing requirement to maintain a Washington education certificate.

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CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Eric Garrett and over the subject matter of this action.

2. Eric Garrett has failed to provide a clear and convincing evidence of good moral character or personal fitness to receive a Washington educational certificate, Washington Administrative Code (WAC) 181-86-170.

3. Good moral character and personal fitness is a requirement to attain a Washington education certificate.

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LEGAL DIVISION

ORDER

THEREFORE, it is hereby ordered that the application for certification of Eric Garrett is denied for six (6) months from the date of entry of this Order.

Eric Garrett will be required to submit a new application and Character and Fitness Supplement to initiate reinstatement of his Washington education certificate. Eric Garrett will be required to meet all reinstatement requirements at the time of application.

DATED This 8th 11th day of December, 2009.
with

RANDY I. DORN
Superintendent of Public Instruction
State of Washington

Martin T. Mueller
Martin T. Mueller
Assistant Superintendent
Student Support

12/11/09

Stipulated to and approved
For entry:

Eric Garrett
Eric Garrett, Respondent

Michael Gawley
As TO FORUM
Michael Gawley, Attorney for Respondent
WSBA # 22110