

I, Maggie Pozar certify that on December 17, 2007, I mailed a copy of this document, certified & postage prepaid, to all parties or their counsel of record. I certify under penalty of perjury, under the laws of the state of Washington, that the foregoing is true and correct.

IN THE MATTER OF THE EDUCATION)
CERTIFICATE OF)
)
TRICIA MATISONS)
CERTIFICATE NO. 315292C)
_____)

OPP No. D05-05-057

FINAL ORDER OF
SUSPENSION

COMES NOW Arlene Hett, Review Officer of the Office of Superintendent of Public Instruction (OSPI), having reviewed the files of the above-referenced case, and having considered the arguments of each party and the recommendation of the Admissions and Professional Conduct Advisory Committee, does hereby order that the Washington Education Certificate, No. 315292C, of Tricia Matisons be suspended for twenty-four (24) months based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Tricia Matisons was issued a Washington Education Certificate, No. 315292C, on July 9, 1992. That certificate currently remains valid.
2. Tricia Matisons is employed by the Aberdeen School District.
3. On May 23, 2005, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Aberdeen 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 Tricia Matisons.
4. During the 2004/05 school year, Ms. Matisons was assigned to a certified teaching position at McDermoth Elementary School, as well as a contracted assistant coach position for the Aberdeen High School girls' basketball "C" squad.

5. While coaching the girl's basketball team, Ms. Matisons met a ninth-grade female student, T.H., who was on her team. Beginning about 9/2004, Ms. Matisons and T.H. engaged in conversations and contact away from school. Tricia Matisons had T.H. babysit for her on different occasions at her residence; keeping T.H. to talk for extended times after returning home.

6. During the first part of the 2004/2005 basketball season, Ms. Matisons drove T.H. to T.H.'s home from practice due to an ankle injury. At T.H.'s residence, Ms. Matisons carried T.H. from the car to her bedroom. In T.H.'s bedroom, Ms. Matisons told T.H. that she could smell her mother smoking marijuana in her bedroom. Ms. Matisons failed to report this concern to Child Protective Services, the School District counselor, or law enforcement. She also failed to give direction to the student as to what steps she could take over the alleged parental drug use.

7. During the first part of the basketball season in 2004, Ms. Matisons was counseled twice verbally, by head girls' basketball coach Randy Hancock to be careful about maintaining the proper coach/athlete relationship with T.H. as well as, the importance of boundary issues, and not become involved in the student's personal life.

8. In January of 2005, [REDACTED] [REDACTED], the father of T.H., contacted Mr. Hancock over concerns he and his wife had with the personal relationship developing between his daughter and Tricia Matisons, and stating they wanted to remove their daughter from the team. Mr. Hancock convinced the father to allow T.H. to remain on the team and said he would speak with Ms. Matisons.

9. Mr. Hancock spoke with Ms. Matisons in person, as well as sending her a strongly worded email explaining that she must maintain an appropriate coach/player relationship and advising her not to get into this family situation.

10. After her discussion and email from Mr. Hancock, Ms. Matisons continued to have contact with T.H. away from basketball practice; involved herself in the student's personal life, including regular phone calls from T.H. during evening hours. After warnings by Mr. Hancock and knowledge that T.H. was working on family issues with the school counselor, Ms. Matisons continued to have contact in T.H.'s personal and family life.

11. During the 2004/2005 girls' basketball season, T.H. told Ms. Matisons about: her home life; ongoing physical conflicts with her mother; having her hair pulled by her mother; being hit with a stick by her mother; her clothes ripped by her mother; ongoing emotional abuse, including being called names, belittling and being made to kneel; looking up into a hallway light for long periods of time as a form of punishment; along with other issues regarding her home life and parents.

12. Ms. Matisons failed to notify Child Protective Services, or the School District about any of the physical or mental abuse that T.H. told her was ongoing.

13. Tricia Matisons was aware that T.H. had made possible arrangements to stay at the home of a friend whose mother was approved as a foster care provider. Ms. Matisons encouraged T.H. to remain with her parents until after the end of basketball season, telling T.H. she would make it possible for her to come to live with her instead.

14. During the 2004/05 basketball season, in violation of school district policy, Ms. Matisons gave T.H. the medication Zantac, without knowledge of the school district, or knowledge and written permission of T.H.'s parents, in violation of district policy.

15. During the 2004/2005 basketball season, Ms. Matisons retained the services of a private attorney to work towards gaining custody of T.H.; without the knowledge of the parents or the school district.

16. On February 24, 2005, Ms. Matisons filed, through her attorney, a declaration in Grays Harbor Superior Court stating, among other things: that she felt T.H. was being both "physically and emotionally abused"; isolated in her "current environment"; and stating; "... it appears there is not another option but for me to take her in." Based on this declaration, Tricia Matisons and her husband were issued a restraining order against the [REDACTED]. The order prevented the parents from contacting their daughter, T.H., or coming within 100 feet of her, or the high school grounds. This was done without the knowledge of the Aberdeen School District.

17. Tricia Matisons drove T.H. to her parent's house to assist T.H. in retrieving clothing and other items. This was done without the knowledge or permission of the [REDACTED].

18. On April 1, 2005, a hearing was held in Grays Harbor Superior Court with the [REDACTED] contesting the restraining order. The parties agreed upon a Temporary Custody Order, which remains in effect to this date, giving Tricia Matisons and her husband temporary custody of T.H. The [REDACTED] state they would contest this order, but feel that Tricia Matisons has irrevocably damaged their relationship with their daughter, making her unwilling to return to their custody.

19. On May 13, 2005, Ms. Matisons was issued a formal letter of reprimand by the Aberdeen School District for Unprofessional Conduct, and notified that she would not be offered a coaching position for the following year.

20. In October of 2005, a criminal investigation was opened by the Grays Harbor Sheriff's Office into allegations made by family members of Ms. Matisons that an improper sexual relationship had developed between Tricia Matisons and T.H. In a statement to law enforcement, Ms. Matisons stated that during a family vacation, T.H. had laid on top of her, and that T.H. was very affectionate towards her, and that she did allow her to sit on her lap in public, hold her hand and give her kisses (pecks) but they were in no way sexual, but just normal "Mother - Daughter" relationship. The case, GHSO # 05-10343 was sent to the Prosecutor's Office; where it was declined for insufficient evidence to establish the "Corpus Delicti" of a crime.

21. On October 7, 2005 Tricia Matisons husband, Ojar Matisons, signed a waiver of Prosecution asking the Grays Harbor county Sheriff's Office to cease any further investigation of Tricia Matisons from his complaint.

22. In the fall of 2005, Ms. Matisons was hired by the Montesano School District as a basketball coach for the girls' junior varsity team for the 2005/2006 basketball season.

23. In December of 2005, Ms. Matisons told Julie Mattson, the head coach of the girls' basketball team, that a student on the JV squad, B.C., had told her she had "shot up heroin." Ms. Matisons then told Ms. Mattson that they should not tell anyone about the student's admission to using heroin, and just keep an eye on her instead.

24. The day after being advised by Tricia Matisons of B.C.'s involvement with heroin, Julie Mattson reported the disclosure to Montesano School District administrators and B.C.'s parents. The decision by the school district was to suspend B.C. from the basketball team.

25. Tricia Matisons disagreeing with the district's decision, had contact with the parents of B.C. and interjected herself into trying to get B.C. reinstated to the team, despite direction by the head coach to not continue with her involvement.

26. At the end of the 2005/2006 basketball season, Ms. Matisons was advised by the Montesano Athletic Director that she would not be hired for the next year.

27. On April 20, 2006 Ms. Matisons was interviewed by an investigator from OPP. She was interviewed a second time on July 24, 2007.

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Tricia Matisons and over the subject matter of this action.
2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate, No. 315292C, of Tricia Matisons, should be suspended as provided for in WAC 181-86-070.
3. Tricia Matisons has violated WAC 181-87-060, RCW 28A.410.090, WAC 181-86-013, and/or WAC 181-86-014, and RCW 26.44.030.

ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 315292C, of Tricia Matisons be suspended for twenty-four (24) months.

Reinstatement shall require adherence to the following stipulations:

(1) Successful completion of a psychological evaluation, and any recommended counseling or training, which validates Tricia Matisons' ability to have unsupervised access to children, by an evaluator mutually agreed upon by the Office of Professional Practices (OPP) and Tricia Matisons;

(2) That Tricia Matisons provides a release authorizing OPP to have access to records of any and all evaluation and any and all subsequent treatment undertaken;

(3) Successful completion of the WEA "Safer Relationships with Students" training;


(4) That the cost of conformance to all reinstatement requirements will be the responsibility of Tricia Matisons;

(5) Submission of a new application, provided by OPP, and having Tricia Matisons' fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP). Reinstatement shall be also contingent upon Tricia Matisons' fingerprint background check returning with no criminal convictions that are listed in WAC 181-86-013, RCW 28A.410.090, and/or any felony convictions.

This Order will become final thirty (30) calendar days from the date of receipt of this order unless respondent files an appeal for a formal hearing before the Office of Administrative Hearings. Please direct the appeal and request for formal hearing to Office of Superintendent of Public Instruction, Administrative Law Office, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200.

DATED this 17th day of December, 2007.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington



DR. ARLENE HETT
Review Officer