

I, Maggie Pazar certify that on May 25, 2006, 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)
)
ROBERT T. MacINTOSH)
CERTIFICATE NO. 345200J)
_____)

OPP No. D04-10-096

FINAL ORDER OF
REVOCATION

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. 345200J, of Robert T. MacIntosh be revoked based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Robert T. MacIntosh was issued a Washington Education Certificate, No. 345200J, on May 2, 1996. That certificate currently remains valid.
2. Robert T. MacIntosh was an employee of the Mt. Baker School District during the 2002-03 school year.
3. On October 14, 2004 the Office of Professional Practices, within OSPI, received a complaint letter alleging a lack of good moral character or personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 180-87, by Robert T. MacIntosh. By letter dated October 18, 2004, OPP gave Mr. MacIntosh notice of receipt of the District's complaint and advised him that the Superintendent's Office would take into consideration any material and/or statements he wished to submit on his own behalf.
4. On December 12, 2003, Mr. MacIntosh received a Letter of Reprimand, from Tim Yeomans, Principal for Mt. Baker High School, stating, "The professional judgment of Mr. MacIntosh, when dealing with students in discipline situations, must show improvement." The letter of reprimand was issued after an incident on December 5, 2003, where Mr. MacIntosh threw a pen at students, striking a female student.

5. Female students reported during the 2002-03 school year that Mr. MacIntosh made comments which made them uncomfortable.
6. During the 2002-2003 school year, while employed with the Mt. Baker School District, Mr. MacIntosh interacted with members of the Mt. Baker High School Girl's Basketball team through instant message programs. These interactions occurred after normal school hours.
7. In June of 2003, Mr. MacIntosh accompanied members of the Mt. Baker High School Girl's Basketball team to Spokane, Washington. Mr. MacIntosh and the team members stayed at Best Western Thunderbird Inn.
8. In June of 2003, at the Best Western Thunderbird Inn, Mr. MacIntosh inappropriately touched an 11th grade female student, T.Y.
9. In December of 2003, Mr. Yeomans conducted a meeting with Mr. MacIntosh. During the meeting, Mr. Yeomans instructed Mr. MacIntosh "not to touch girls at all".
10. Mr. MacIntosh's teaching contract with the Mt. Baker School District was not renewed for the 2004-2005 school year.
11. Mr. MacIntosh was employed with the Warden Joint Consolidated School District for the 2004-2005 school year.
12. On December 21, 2004, an arrest warrant for Mr. MacIntosh was issued by the Spokane County Superior Court, Cause No. 04104077-0.
13. On December 22, 2004, an Information and Probable Cause Statement, Cause No. 04104077-0, was filed in Spokane County Superior Court charging Robert T. MacIntosh with Indecent Liberties, in violation of RCW 9A.44.100 for the inappropriate touching of female student, T.Y..
14. On January 6, 2005, Mr. MacIntosh was arrested by officers from the Moses Lake Police Department.
15. On January 10, 2005, Mr. MacIntosh was placed on administrative leave by the Warden Joint Consolidated School District.

16. On May 4, 2005, Mr. MacIntosh was sent a letter by Larry J. Blades, Superintendent of the Warden Joint Consolidated School District, advising him that his teaching contract for the 2005-2006 school year was not to be renewed. Mr. MacIntosh requested an informal hearing.

17. On May 27, 2005, Mr. MacIntosh was sent a letter by Larry J. Blades, Superintendent of the Warden Joint Consolidated School District, advising him that his teaching contract for the 2005-2006 school year was not renewed.

18. On August 1, 2005, an Amended Information, Cause No. 04104077-0, was filed in Spokane County Superior Court charging Robert T. MacIntosh with Assault in the Fourth Degree, RCW 9A.36.041.

19. On August 1, 2005, Mr. MacIntosh was found guilty of Assault 4th Degree in Spokane County Superior Court, Cause No. 04104077-0. The victim was T.Y.

20. On August 1, 2005, a Stipulation to Police Reports and Order of Continuance (SOC) for 36 Months, Cause No. 04104077-0, was filed in Spokane County Superior Court. The SOC states that: the Parties agree that the court is authorizing a continuance of this matter to allow for the entry of an Order of Dismissal regarding Count I in the Amended Information for Fourth Degree Assault. The SOC states that the sentence for the matter is: 365 days in jail; \$1,000 fine; 24 months of supervision subject to all conditions requested by the State and Supervising Agency; No Contact Provisions; loss of right to possess firearms and ammunition; and restitution. The SOC agreement also included, in part, requirements that Robert MacIntosh must: admit his guilt to the 4th degree assault; undergo an anger management evaluation and complete all required treatment; accept no positions of trust over minors, including but not limited to coaching, teaching, or counseling minors for 36 months; accept no positions of trust with non-family member minors without prior approval of the supervising agency for 36 months; undergo routine polygraph examinations as requested by the Department of Corrections; attend and complete victims' panel and moral recognition program through the supervising agency; commit no subsequent acts of violence, harassment, or assault related offenses; and have no contact with victim or her family. Upon completion of all terms of the SOC, the Original Information will be dismissed. The Amended Information would stand on its own.

21. On December 5, 2005, Mr. MacIntosh's criminal defense attorney submitted documents to OPP for Mr. MacIntosh. Included in the documents is: a Declaration from Mr. MacIntosh, dated November 29, 2004, in response to a petition for a Order of Protection; and a polygraph examiner's report.

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Robert T. MacIntosh and over the subject matter of this action.
2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate, No. 345200J, of Robert T. MacIntosh, should be revoked as provided for in WAC 180-86-075.
3. Robert T. MacIntosh has violated WAC 180-87-060, WAC 180-87-080, RCW 9A.36.041, WAC 180-86-013, and/or WAC 180-86-014..

ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 345200J, of Robert T. MacIntosh, be revoked.

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 25th day of May, 2006.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington



DR. ARLENE HETT
Review Officer