



SUPERINTENDENT OF PUBLIC INSTRUCTION

DR. TERRY BERGESON OLD CAPITOL BUILDING • PO BOX 47200 • OLYMPIA WA 98504-7200 • <http://www.k12.wa.us>

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|--------------------------------|---|---------------------|
| IN THE MATTER OF THE EDUCATION |) | |
| CERTIFICATE OF |) | OPP No. D01-06-063 |
| |) | |
| |) | ORDER OF REVOCATION |
| MICHAEL P. SMITH |) | |
| Certificate No. 317729B |) | |
| _____ |) | |

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 revoke the Washington education certificate, No. 317729B, of Michael P. Smith, based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Michael P. Smith was issued a Washington Education Certificate, No. 317729B, on October 29, 1992. That certificate currently remains valid.
2. Michael P. Smith was employed by the Riverview School District.
3. On May 29, 2001, 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 Michael P. Smith.

MICHAEL P. SMITH
ORDER OF REVOCATION

4. Michael Smith accepted employment as a music teacher for the Riverview School District on June 25, 1996. He was assigned to Stillwater Elementary School.

5. Michael Smith touched and "squished" the buttocks of an elementary female student (FS1) while she sat on his lap.

6. Michael Smith touched and "squished" the buttocks of an elementary female student (FS2) while she sat on his lap. Michael Smith undressed in front of FS2, and asked her to take off her pants and shirt.

7. Michael Smith exposed himself to FS2 and attempted to have sexual contact with FS2 while in the music room.

8. Michael Smith looked up the dresses of fourth grade female students while they rehearsed on stage and appeared to be fondling himself. While assisting female student (FS3) with her costume, Michael Smith placed his hand onto her buttocks and moved his hand into her genital area.

9. Michael Smith touched the breast of FS3 while sitting on the stage stairs.

10. Michael Smith separated the boys and girls and instructed them to change into their costumes. After a short time, Michael Smith walked into the girls changing room looking for a pencil.

11. Michael Smith touched the buttocks and breast of a female student (FS4), a fourth grade student.

12. Detective Janette Luitgaarden, King County Sheriff's Office, reviewed the investigation conducted by the King County Sheriff's Office, case number 02-112890. Detective Luitgaarden determined there was probable cause to believe that Michael Smith committed the crime of Child Molestation 1.

13. The King County Prosecutor declined to file criminal charges against Michael Smith after reviewing the material presented.

14. Michael Smith entered into an agreement with the Riverview School District. According to the agreement Michael Smith will; "remain on administrative leave and will resign effective with the expiration of one-half of the 2001 – 02 school year."

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Michael Smith and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence, that the Washington education certificate, No. 317729B, of Michael Smith, should be revoked as provided for in WAC 180-86-075.

3. Michael Smith has violated WAC 180-87-060, WAC 180-87-080, WAC 180-86-013, and WAC 180-86-014.

ORDER

THEREFORE, it is hereby ordered that the Washington education certificate, No. 317729B, of Michael Smith be revoked.

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 6th day of December, 2002.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington

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