



SUPERINTENDENT OF PUBLIC INSTRUCTION

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

I, Mary Myrfield, certify that on 5/3/02, 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)	OPP No. D99-01-009
)	
)	FINAL ORDER OF
David Fox)	SUSPENSION
Certificate No. 229767R)	
_____)	

Thirty calendar days have transpired since the mailing to David Fox of a Proposed Order of Suspension. David Fox's failure to make a timely appeal of such order authorizes this agency to issue a Final Order of Suspension based on the Findings of Fact and the Conclusions of Law set forth in the Proposed Order of Suspension.

FINDINGS OF FACT

1. David Fox was issued a Washington education certificate, No. 229767R, on August 1, 1978. That certificate currently remains valid.
2. David Fox was employed by the Eatonville School District.

3. On January 12, 1999, the Office of Professional Practices, within OSPI, received a complaint letter from the Superintendent of the Eatonville 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) 180-87, by David Fox.

4. During the 1986-1987 school year, David Fox flirted with and kissed a senior female student on the lips while in his school office.

5. On or about February 12, 1998, David Fox, while in the presence of a seventh grade student and a parent volunteer, made an inappropriate sexual comment and gesture to a female staff member.

6. On or about February 27, 1998, in David Fox's drama class, he assigned a male student to play the part of a gay person. David Fox then told another student that the student playing the gay person acts that way anyway.

7. In a letter dated May 15, 1998, Superintendent Mark E. Jacobsen notified David Fox that probable cause existed for his discharge from the Eatonville School District.

8. On February 24, 1999, Judge Donald H. Thompson ordered that there was sufficient cause to discharge David Fox from employment with Eatonville School District.

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over David Fox and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that the Washington education certificate, No. 229767R, of David Fox, should be suspended as provided for in WAC 180-86-070.

3. David Fox has violated RCW 28A.410.090, WAC 180-87, and WAC 180-86.

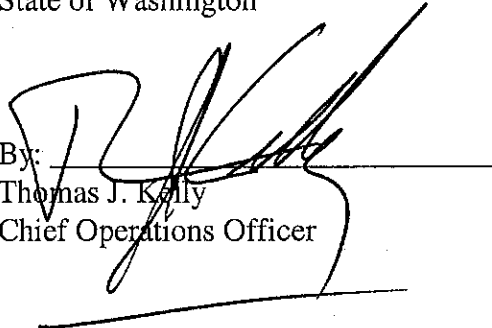
ORDER

THEREFORE, it is hereby ordered that the Washington education certificate, No. 229767R, of David Fox, be suspended for a minimum of thirty-six (36) months.

Reinstatement shall require submission of a new application, provided by OPP and having David Fox's fingerprints checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP).

DATED This 3rd day of May, 2002.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington

By: 
Thomas J. Kelly
Chief Operations Officer