



# 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 )  
 )  
Kelley Fryhover )  
Certificate No. 311535R )  
 )  
 )

OPP No. D08-11-078

FINAL ORDER  
OF SUSPENSION

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 suspend the Washington Education Certificate No. 311535R, of Kelley Fryhover for twenty-four (24) months based on the Findings of Fact and Conclusions of Law set forth below:

### FINDINGS OF FACT

1. Kelley Fryhover was issued a Washington Education Certificate, No. 311535R, on January 8, 1992. That certificate currently remains valid.
2. Kelley Fryhover was employed by the Wenatchee Public Schools.
3. On November 3, 2008, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Wenatchee Public Schools 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 Kelley Fryhover.

KELLEY FRYHOVER  
FINAL ORDER OF SUSPENSION



4. On April 5, 2007, Kelley Fryhover, during/after investigation of a motor vehicle collision, was arrested by Wenatchee Police Department officers for Driving a Motor Vehicle while Under the Influence and/or Affected by Intoxicating Liquors and/or Drugs (DUI). Her blood-alcohol level, at the time of submission for a breath test, was .257 and .253. Kelley Fryhover was booked into the Chelan County Regional Justice Center; Wenatchee Police Department report #C62927.

5. On April 6, 2007, Citation #C62927 was filed in Chelan County District Court charging Kelley Fryhover with DUI; Chelan County District Court case #C62927 WPD.

6. Kelley Fryhover was on administrative leave from the Wenatchee Public Schools from May 2, 2007 to June 15, 2007.

7. On July 23, 2007, Kelley Fryhover requested a leave of absence for medical reasons for the 2007-2008 school year. The leave of absence was granted.

8. On August 21, 2007, Kelley Fryhover was discharged from Intensive Inpatient treatment

9. On August 21, 2007, Chelan County District Court issued an Order Deferring Prosecution. As part of the conditions of the deferred prosecution, Kelly Fryhover was placed on probation with the Chelan County District Court Probation Office; Chelan County District Court Case #C62927 WPD.

10. On August 27, 2007, Kelley Fryhover started Intensive Outpatient treatment [REDACTED] and appeared to a group session while intoxicated.

11. On September 12, 2007, a Violation Report was filed in the Chelan County District Court by Chelan County District Court Probation Services for Kelley Fryhover "appearing to group intoxicated" for a group session [REDACTED] Chelan County District Court Case #C62927 WPD.

12. Wenatchee Public Schools Policy #5201, Drug-Free Schools, Community and Workplace, states that the board declares the following behaviors will not be tolerated (B) Using, possessing, transmitting alcohol, illegal substances...in any manner on district property at any time...

13. On or about October 2, 2008, Kelley Fryhover transported alcoholic beverages to a 6<sup>th</sup> grade camp for Foothills Elementary School students, held annually at Tall Timber Camp near Leavenworth, Washington.

14. On October 2, 2008, at Tall Timber Camp, Kelley Fryhover consumed alcoholic beverages during the time she was responsible for supervising students.

15. On October 2, 2008, at Wenatchee Valley Medical Center, Kelley Fryhover submitted samples of her breath for a blood-alcohol test, resulting in readings of .19 and .184.

16. On October 2, 2008, Kelley Fryhover was placed on administrative leave.

17. On October 3, 2008, during a meeting with Steve Cole, Assistant Superintendent for the Wenatchee Public Schools, Kelly Fryhover admitted to drinking five (5) pints of beer while supervising students at the 6<sup>th</sup> grade camp. Kelley Fryhover also stated that she knew being under the influence of alcohol at work was not permitted and she had endangered student safety.

18. On October 20, 2008, Kelley Fryhover submitted her resignation to the Wenatchee Public Schools; effective that day.

19. On November 3, 2008, a Declaration of Probation Violation was filed in Chelan County District Court for Kelley Fryhover consuming alcoholic beverages on October 2, 2008; Chelan County District Court Case #C62927 WPD.

20. On January 13, 2009, Chelan County District Court found Kelley Fryhover guilty of DUI and revoked her deferred prosecution. She was sentenced to 364 days in jail, with 361 days suspended, and two year probation with the Chelan County District Court Probation Office; Chelan County District Court Case #C62927 WPD.

21. On April 22, 2009, Kelley Fryhover participated in an interview with an OPP investigator.

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 Kelley Fryhover and over the subject matter of this action.
  
2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate, No. 311535R, of Kelley Fryhover, should be suspended as provided for in WAC 181-86-070.
  
3. Kelley Fryhover has violated WAC 181-87-055, WAC 181-87-060, RCW 28A.410.090, WAC 181-86-013, and/or WAC 181-86-014.

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**ORDER**

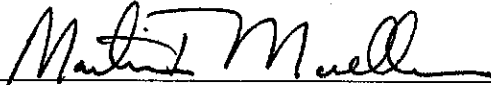
It has been thirty days since the Proposed Order of Suspension was received. The appeal time period has passed. It is hereby ordered that the Washington Education Certificate, No. 311535R, of Kelley Fryhover is suspended for twenty-four (24) months.

**REINSTATEMENT** will require: (1) successful completion of, or continued compliance in an alcohol treatment program which is mutually agreed upon between Kelley Fryhover and OPP; (2) that Kelley Fryhover will provide OPP with evidence of her successful completion of or continued compliance in his/her treatment program; (4) successful completion of the terms and conditions of sentence and probation for Chelan County District Court Case #C62927 WPD and; (4) if requested, Kelley Fryhover will sign consent forms authorizing OPP to have access to all records pertaining to her treatment and to discuss any and all treatment undertaken with the providers administering treatment. The cost of conformance to all reinstatement requirements will be the responsibility of Kelley Fryhover.

**AND/OR** Reinstatement shall (also) require submission of a new application, including Character and Fitness Supplement, provided by OPP and having Kelley Fryhover's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP). Reinstatement shall also be contingent upon Kelley Fryhover's fingerprint background check returning with no: criminal convictions that are listed in WAC 181-86-013; RCW 28A.410.090; any felony convictions; and/or misdemeanor convictions that involve the use and/or possession of intoxicating beverages and/or controlled substances.

DATED This 24<sup>th</sup> day of June, 2009.

RANDY I. DORN  
Superintendent of Public Instruction  
State of Washington

  
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Martin T. Mueller  
Assistant Superintendent  
Student Support