



SUPERINTENDENT OF PUBLIC INSTRUCTION

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

IN THE MATTER OF THE EDUCATION)
CERTIFICATE OF)

OPP No. D05-11-117

Corry O'Brien)
Certificate No. 281102D)

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.281102D, of Corry Lee O'Brien for three (3) years based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Corry Lee O'Brien was issued a Washington Education Certificate, No. 281102D, on August 31, 1987. That certificate currently remains valid.
2. Corry Lee O'Brien was employed by the Tumwater School District.
3. On December 2, 2003, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Southside 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 Corry Lee O'Brien; OPP No. D03-12-104.

4. On November 3, 2003, Corry O'Brien was teaching a Junior High School level special education class. In order to gain and direct the attention of distracted students, Corry O'Brien tickled a male student and touched the hair, and the back of male and female students' necks

5. On November 22, 2004, Mr. O'Brien was issued an Order of Reprimand.

6. On November 14, 2005, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Tumwater 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 Corry Lee O'Brien.

7. On April 26, 2005, during a meeting with Matthew McCauley, Director of Human Resources, reviewed the OSPI Order of Reprimand with Mr. O'Brien. Mr. McCauley reiterated the expectation of the Tumwater School District not to put hands on a student unless it is for the safety of a student or it is part of the student's educational needs.

8. On September 28, 2005, Mr. O'Brien was working at Tumwater Middle School as a school psychologist. Mr. O'Brien approached JC, a 14 year old special education student and tickled him on his sides, just under the armpits. Mr. O'Brien also patted JC's shoulder several

times. He also shook JC's hand so hard that JC had to shake his hand out when Mr. O'Brien let go.

9. On October 6, 2005, a First Amended Information and Declaration of Prosecutor Supporting Probable Cause was filed in Thurston County Superior Court; Cause #05-1-1898-8. Mr. O'Brien was charged with: one count Attempted Arson in the First Degree, a class A Felony, Revised Code of Washington (RCW) 9A.28.020; one count Felony Harassment, a class C felony RCW 9A.46.020(1); one count Assault in the Fourth Degree, a gross misdemeanor RCW 9A.36.041; and one count Malicious Mischief in the Second Degree, class B felony RCW 9A.48.080.

10. On October 25, 2005, Mr. O'Brien was placed on paid administrative leave by the Tumwater School District.

11. On February 7, 2006, Mr. O'Brien signed a Statement of Defendant on Plea of Guilty. In the Statement of Defendant on Plea of Guilty, Mr. O'Brien stated" that on September 30, 2005, in Thurston County, Washington, without lawful authority, I threatened to kill N.S. and by words or conduct placed him in reasonable fear that the threat would be carried out". Mr. O'Brien pled guilty to one count of Felony Harassment, RCW 9A.46.020 (1), a class C Felony.

12. On February 7, 2006, a Judgment and Sentence was issued for Cause #05-1-1898-8. In the Judgment and Sentence, Mr. O'Brien was sentenced to: 90 days in custody with credit for time served; \$1597.23 total court costs; and 24 months community custody with the Washington State

Department of Corrections. Mr. O'Brien was also ordered to have no contact with N.S. for a period of five years; and continue mental health treatment through the VA.

13. On May 3, 2006, an interview was conducted with Mr. O'Brien. Mr. O'Brien states that his touching of students, including the shaking of hands is part of his therapy. He explained that the students will be touched by people in the real world and by his physical contact, they will be better prepared to tolerate it. Mr. O'Brien further explained that his specific contact on September 28, 2005, with JC was a defensive tactic taught to JC by him. Mr. O'Brien stated that JC was not attempting to get away from him, but was responding to a comment by Mr. O'Brien about what to do when someone comes at you. Mr. O'Brien does not feel that his tickling and shaking hands of students is inappropriate.

14. On June 5, 2006, Mr. O'Brien submitted a letter of resignation to the Tumwater School District, effective June 30, 2006.

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

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CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Corry Lee O'Brien and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate, No. 281102D, of Corry Lee O'Brien, should be suspended as provided for in WAC 181-86-070.

3. Corry Lee O'Brien has violated: WAC 181-87-060, RCW 28A.410.090, WAC 181-86-013, and/or WAC 181-86-014.

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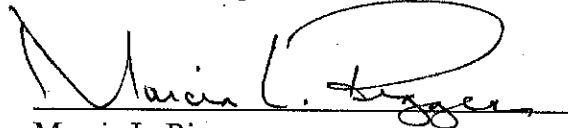
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ORDER

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. 281102D, of Corry O'Brien is suspended for three (3) years.

DATED This 11th day of September, 2006.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington



Marcia L. Riggers
Assistant Superintendent
Student Support and Operations