

I, Maggie Pizar certify that on November 23, 2005, 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 )  
CRAIG TUPPER )  
CERTIFICATE NO. 333278J )  
\_\_\_\_\_ )

OPP No. D03-06-065

FINAL ORDER OF  
SUSPENSION

COMES NOW Arlene Hett, the 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. 333278J, of Craig Tupper be suspended for thirty (30) days based on the Findings of Fact and Conclusions of Law set forth below:

**FINDINGS OF FACT**

1. Craig Tupper was issued a Washington Education Certificate, No. 333278J, on September 13, 1994. That certificate currently remains valid.
2. Craig Tupper is employed by the Northshore School District.
3. On June 11, 2003, the Office of Professional Practices, within OSPI, received a complaint letter from the Superintendent of the Northshore 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 Craig Tupper.

4. On November 30, 1999, the Northshore School District issued Mr. Tupper a letter of direction for concerns regarding his interactions with students and staff. The letter discussed awareness of potential inappropriate comments and to avoid making inappropriate comments to students or staff that could be perceived as sexual harassment. The letter also discussed the importance of avoiding touching female staff members, and avoiding touching students when it does not have any legitimate educational value. Mr. Tupper was provided with a copy of the Northshore District Brochure, "Safe interactions with Students" and was requested to read it. Mr. Tupper read the brochure. Mr. Tupper was also encouraged to check out the Washington Educational Association video tape entitled, "How to Avoid Allegations of Sexual Misconduct." Mr. Tupper did not watch the video.

5. During the middle to the end of the 2001-2002 school year, Mr. Tupper had several personal conversations with a female student involving religion, her personal life and panic attacks she was experiencing. The conversations took place while they were alone in his classroom with the door closed at times. During the conversations, physical contact occurred between Mr. Tupper and the student which involved, but is not limited to: hugging; touching her back side, head, and face; placing her head on his shoulder and chest area; and resting her head on his lap. The student reported that Mr. Tupper did refer her to a counselor during the first week that they talked, but she was not comfortable talking with them. Mr. Tupper did discuss concerns regarding the student with school counselors and the school nurse, and referred her to them throughout the end of the school year.

6. In June 2002, Mr. Tupper had the student lay down on a couch in the teacher's lounge as she had not been sleeping. Mr. Tupper sat on another couch and stayed in the room the entire time. Upon waking, the student found Mr. Tupper touching her face.

7. During the end of the 2001-2002 school year, Mr. Tupper gave the student his telephone number and told her to call him "only if things got really bad over the summer." In July 2001, the student called Mr. Tupper to set up a time to talk to him. Mr. Tupper spoke with her mother and obtained permission to meet with her daughter. Mr. Tupper met the student and her mother at a parking lot and Mr. Tupper drove the student to lunch. During lunch, they discussed how her summer was going and her personal life. Mr. Tupper then drove the student back to her sister's apartment where her mother was waiting for her. Several hugs took place between Mr. Tupper and the student in his vehicle and outside of his vehicle after he parked his vehicle to drop her off.

8. During the beginning of the 2002-2003 school year, personal conversations and hugging between Mr. Tupper and the student continued, but were less frequent than the previous school year. In November 2002, the student came to Mr. Tupper and expressed feelings for him. Both the student and Mr. Tupper indicate that Mr. Tupper discussed with her that there could not be a relationship between them now or in the future. The student indicates that Mr. Tupper further discussed mixed messages with her which includes the following, but is not limited to: telling her that if she was eighteen, he would definitely be interested, but he didn't want to say that because he would be playing emotional games with her. Mr. Tupper continued to discuss concerns regarding the student with the school counselors, and referred her to them and the school nurse, during the beginning of the school year.

9. In November, 2002, the students' outside psychiatrist contacted Mr. Tupper and set up a meeting with Mr. Tupper. On November 21, 2002, the meeting took place in the counselor's office. Mr. Tupper, the student and the psychiatrist were all in attendance. The psychiatrist addressed appropriate boundaries for a student/teacher relationship during the meeting.

10. On January 16, 2003, the Northshore School District placed Mr. Tupper on paid administrative leave pending the outcome of the school district's investigation.

11. On June 10, 2003, the Northshore School District issued Mr. Tupper a letter of probable cause to adversely affect his employment contract by reducing his pay in an amount equivalent to twenty (20) days compensation and requiring him to complete six to eight counseling sessions with a licensed counselor at Far West Family Services. On June 16, 2003, Mr. Tupper appealed the school districts decision. On January 27, 2004, Mr. Tupper entered into a settlement agreement with the Northshore School District. As part of the agreement, Mr. Tupper received a 15 day of reduction in pay and was required to complete six to eight counseling sessions with a licensed counselor at Far West Family Services. Mr. Tupper completed six counseling sessions at Far West Family services between February and June, 2004.

12. The Northshore School District transferred Mr. Tupper from Bothell High School to Canyon Park Junior High School beginning the 2003 – 2004 school year.

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

#### **CONCLUSIONS OF LAW**

1. OSPI has jurisdiction over Craig Tupper and over the subject matter of this action.
2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate, No. 333278J, of Craig Tupper, should be suspended as provided for in WAC 180-86-070.

3. Craig Tupper has violated WAC 180-87-060, RCW 28A.410.090, WAC 180-86-013, and WAC 180-86-014.

**ORDER**

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 333278J, of Craig Tupper, be suspended for thirty (30) days.

Reinstatement shall require successful completion of, or continued participation in, a program involving student/teacher boundaries. The program shall be mutually agreed upon by the Office of Professional Practices (OPP) and Mr. Tupper. Mr. Tupper shall provide evidence of his successful completion of, or continued participation in the program. If requested, Mr. Tupper shall provide a release authorizing OPP to discuss the program with the provider. The cost of conformance to all reinstatement requirements will be the responsibility of Mr. Tupper. It is understood that adherence to this order and fulfillment of this stipulation is the responsibility of Mr. Tupper. Mr. Tupper will not be prompted by OPP to carry out this duty.

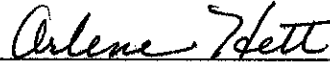
Reinstatement shall also require submission of a new application, provided by OPP and having Craig Tupper's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP).

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 23rd day of November, 2005.

DR. TERRY BERGESON  
Superintendent of Public Instruction  
State of Washington



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DR. ARLENE HETT  
Review Officer