



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)

Robert Howard)
Certificate No. 311400F)

OPP No. D05-12-130

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. 311400F, of Robert Howard for twenty-four (24) months based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Robert Howard was issued a Washington Education Certificate, No. 311400F, on December 20, 1991. That certificate currently remains valid.
2. Robert Howard was employed by the Highline School District.
3. On December 5, 2005, the Office of Professional Practices, within OSPI, received a complaint letter from the Superintendent of the Highline 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 Robert Howard.

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4. In March of 1993, Mr. Howard instructed a 16-year old male student, T.H., to sit down and poked T.H. in the chest a few times. T.H. reacted and pushed Mr. Howard.

5. On April 15, 1993, Mr. Howard received a letter from Tom Sawyer, principal at Highline High School. The letter states "I must inform you, however, that touching a student during a discipline situation could under certain circumstances be considered a form of assault which may cause the student to react in a retaliating manner".

6. On January 3, 1995, Mr. Howard received a letter from Tom Sawyer regarding Mr. Howard showing an 'R' rated movie to students.

7. On February 2, 1995, Mr. Howard gave a female student a Chippendale calendar and a card for a gift.

8. On February 17, 1995, Mr. Howard was given a Letter of Reprimand for giving gifts to a female student and for making comments about marital status, cheating on spouses, and referring to students as "Hey beautiful" or "Hey sexy". The Letter of Reprimand also states that in February of 1993, Mr. Howard was counseled in regard to sexually inappropriate jokes and comments directed toward female staff. The Letter of Reprimand also states that in May of 1993, Mr. Howard was counseled regarding inappropriate comments and actions toward female students. As part of the Reprimand, the District was to arrange for Mr. Howard to undergo training in regard to appropriate work place and classroom behavior towards females.

9. On May 7, 2004, Mr. Howard threw a block of wood at a student, K.H. K.H. caught the block of wood before it struck another student. Mr Howard directed the class into a separate room. As the class was leaving Mr. Howard made noise. As K.H. turned towards the noise, Mr. Howard swung an electrical drop cord outlet at K.H., hitting him in the forehead; causing an injury.

10. On May 10, 2004, Mr. Howard was placed on administrative leave.

11. On May 11, 2004, Mr. Howard was investigated by the King County Sheriff's Department for the assault on K.H. Mr. Howard was subsequently charged with 4th Degree Assault.

12. On June 14, 2004, Mr. Howard received a 7 Day Suspension w/o Pay. The suspension was issued for Mr. Howard's action with K.H. on May 7, 2004. Mr. Howard was also admonished that "It is never appropriate for a teacher to direct profanity or other disparaging remarks to students, throw things at students, verbally abuse, embarrass, or humiliate students, or in any way harm student to secure their cooperation or compliance. It is imperative that you cease and desist inappropriate student management tactics, displays of anger, and unsafe behavior. Mr. Howard was also recommended to immediately obtain professional assistance by calling the District's Employee Assistance Program.

13. On June 18, 2004, Mr. Howard appealed the discipline

14. On August 26, 2004, Mr. Howard signed a Settlement Agreement and Release with the Highline School District. The agreement states: that the District shall withdraw its notice of probable cause for a ten-day suspension, dated June 14, 2004, and substitute a letter reflecting a seven-day suspension. The suspension shall be deemed to have been served during the time that Mr. Howard was on administrative leave.

15. On November 16, 2004, Mr. Howard signed an Agreed Order of Continuance With Conditions, (King County District Court, Cause #Y40140917). The matter is to be continued for a period of 12 months; Mr. Howard is to have no contact with the victim, K.H.; complete 10 hours of community service; and complete 12 sessions with a counselor regarding temperament.

16. On December 14, 2004, Mr. Howard escorted 2 female students to the office. During the escort, Mr. Howard told the students about the Christmas display in his yard, which involved reindeer that he had positioned to appear as if they were mating. Mr. Howard also took students by his residence in the driver's education vehicle, while the reindeer were still positioned in his front yard.

17. On December 17, 2004, Mr. Howard received a Letter of Direction from Frank Redmon, assistant principal at Highline High School, for making comments that could be construed as having a sexual nature or containing sexual connotations. Mr. Howard was directed to: refrain from comments or topics that could possibly be construed as having sexual connotations; maintain a professional demeanor with students at all times; avoid situations where you know students could see inappropriate materials or displays; and keep all interactions with students respectful of their backgrounds and appropriate for their age.

18. On October 5, 2005, Mr. Howard received a Letter of Direction from Janis Maracic, Assistant Principal at Highline High School, for ongoing jokes and stories, which are sometimes inappropriate for the age of Highline students and were perceived to have sexual content or connotation. Mr. Howard was directed to refrain from jokes and stories that are perceived to have sexual nature or connotation, and may be inappropriate for a school setting and students' age.

19. During the last week of September 2005, Mr. Howard became angry with T.J., a male student in his classroom, and took him into the hallway. Mr. Howard told T.J. that he hated him and punched the wall next to T.J.'s head.

20. On October 25, 2005, during a second period tardy sweep, Mr. Howard approached C.N., a male student, who was in the hallway. When C.N. attempted to explain why he was in the hallway, Mr. Howard started screaming, "I hate you" and called C.N. a jerk.

21. During the 2004-2005 school year, Mr. Howard made notations in his grade books, next to student names, such as, but not limited to: "sexy"; "Mexicano"; "liar"; and "immature". The notations were observed by a student teaching assistant.

22. On November 16, 2005, Mr. Howard received a 20-Day Suspension for Inappropriate Treatment of Students. Mr. Howard was also directed to provide evidence by January 1, 2006 that he had completed an anger management program.

23. On November 18, 2005, Mr. Howard, through his attorney, filed an appeal of the 20-day suspension.

24. On January 4, 2006, Mr. Howard signed a Settlement Agreement and Release with the Highline School District. In the agreement, Mr. Howard was to be placed upon administrative leave at the end of the first semester and continue on administrative leave until the effective date of his resignation. Mr. Howard submitted a Letter of Resignation; resigning his employment with the Highline School District, effective June 30, 2006.

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Robert Howard and over the subject matter of this action.
2. OSPI has shown by clear and convincing evidence that Washington Education Certificate, No. 311400F, of Robert Howard, should be suspended as provided for in WAC 181-86-070.
3. Robert Howard has violated: WAC 181-87, RCW 28A.410.090, WAC 181-86-013, WAC 181-86-014 and WAC 392-400-235.

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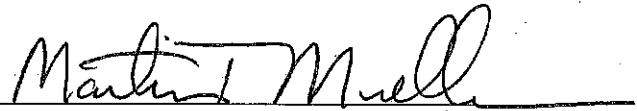
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ORDER

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. 311400F, of Robert Howard is Suspended.

DATED This 3rd day of January, 2007.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington



Martin T. Mueller
Assistant Superintendent
Student Support and Operations