



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)
Joseph Huether)
Certificate No. 212031R)

OPP No. D07-05-047

AGREED 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. 212031R, of Joseph Huether for twelve (12) months based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Joseph Huether was issued a Washington Education Certificate, No. 212031R, on June 13, 1975. That certificate currently remains valid.
2. Joseph Huether was employed by the North Beach School District.
3. On May 14, 2007, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the North Beach School District alleging a lack of good moral

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character or personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87, by Joseph Huether.

4. In March of 2006, Joseph Huether sprayed a stream of water from a spray bottle into the face of a pre-school age female student, G.H. Mr. Huether denies this allegation.

5. In March of 2006, Joseph Huether struck G.H. on the buttocks with his foot in order to have G.H. sit down. Mr. Huether denies using his foot to help the child sit down.

6. In March of 2006, Joseph Huether had a meeting with Bruce Hansen, North Beach Elementary School Principal, and Dianne Barr-Cole, North Beach School District Special Services Director, about the allegation of striking G.H. on the buttocks. Dr. Barr-Cole told Joseph Huether that his behavior was unacceptable.

7. On March 31, 2006, Bruce Hansen met with Joseph Huether about spraying G.H. with water and striking her on the bottom and cautioned Joseph Huether about his contact with students.

8. During the 2006-2007 school year, Joseph Huether grabbed a 2nd /3rd grade student, P.P., by the arm, turned him around and seated him at a table after P.P. was told by another teacher to sit down. Mr. Huether denies this allegation.

9. During the 2006-2007 school year, Joseph Huether struck P.P. on the leg after P.P. spilled glitter during class. Mr. Huether denies this allegation.

10. During the 2006-2007 school year, Joseph Huether slid a gallon size bottle of glue at the back of a 10-11 year old female student, B.N., in order to gain the student's attention.

11. On February 15, 2007, Joseph Huether separated two 9-10 year old male students. Joseph Huether escorted S.N. away from the other student to a different section of the North Beach Elementary School gym.

12. After escorting S.N. away from the other student, Joseph Huether tripped S.N., causing S.N. to fall to the floor.

13. After S.N. was seated, Joseph Huether told S.N. that "when I tell you to sit down, you damn well better sit down" and told him "If you keep getting into fights, the sheriff will come, put you in handcuffs, put you in the car and take you to the damn jail".

14. On February 16, 2007, Joseph Huether was placed on administrative leave by Bruce Hansen.

15. On February 17, 2007, Joseph Huether submitted a letter to Bruce Hansen addressing the matter with S.N.

16. On February 20, 2007, Joseph Huether submitted a statement to the North Beach School District detailing the event with S.N. In the statement, Joseph Huether says that his feet became tangled with S.N.'s feet, causing S.N. to trip and fall to the ground.

17. On February 20, 2007, Joseph Huether was issued a letter placing him on administrative leave from David Wayman, Superintendent Assistant for North Beach School District.

18. On February 22, 2007, a deputy sheriff with the Grays Harbor County Sheriff's Office responded to North Beach Elementary School to investigate the incident between Joseph Huether and S.N.; Grays Harbor County Sheriff's Office report #07-1741.

19. On February 25, 2007, Joseph Huether was interviewed by two Grays Harbor County Sheriff's Office deputies. During the interview, Joseph Huether initially stated and completed a written statement that his feet had become tangled with S.N.'s feet which caused S.N. to fall to the ground.

20. During the interview with the deputies, Joseph Huether admitted that he had intentionally tripped S.N. and reiterated statements made to Bruce Hansen in the letter submitted on February 17, 2007. Joseph Huether signed a statement, stating that he had intentionally tripped S.N.

21. On April 8, 2007, Joseph Huether submitted a letter of resignation, resigning his position effective at the end of the 2006-2007 contract year.

22. Joseph Huether's annual evaluation for the 2006-2007 school year was rated as "Unsatisfactory" by Bruce Hansen. In the "Additional Comments" section, Mr. Hansen stated, "Mr. Huether's judgment appeared to be adversely affected by situations and decisions in his personal life. While I appreciate Mr. Huether's computer expertise and extra time he gave to this job, I cannot allow a lack of anger management that results in physical and/or emotional harm to students. Mr. Huether should consider an anger management clinic or a transfer or a different profession--- such as computer/technological field."

23. Bruce Hansen submitted a letter to Stanley Pinnick, North Beach School District Superintendent, which was attached to Joseph Huether's 2006-2007 annual evaluation.

24. On May 7, 2007, a Criminal Complaint and Motion and Declaration for Summons was issued in Grays Harbor County District Court 1 charging Joseph Huether with Assault 4th Degree; Grays Harbor County District Court Criminal Complaint #2007-151.

25. On June 4, 2007, OPP received a letter from Joseph Huether. In the letter to OPP, Joseph Huether stated: that on February 15, 2007, he tripped S.N. to prevent S.N from continuing his attack on his victim; that on February 6, 2007, he slid a half-gallon empty glue jug

at B.N. to gain her attention; and that the incidents of “threw a male student onto a table and kicked him in the buttocks on two separate occasions” are completely false.

26. In October 2007, during jury trial testimony, Joseph Huether testified that when he and S.N. got near the bleachers, he turned S.N. around to face me. He told S.N. to sit down. S.N. didn't respond. Joseph Huether said, more firmly and loudly in a command voice, to sit down. S.N. looked away from me and towards the other student. Joseph Huether got nervous because S.N. wasn't responding and he looked like he was going to go after the other student again. Then S.N. stepped back like he was going to pivot and turn. When S.N. stepped back, “that's when I tripped him”. S.N.'s legs crossed and buckled. S.N. went slightly to his left, caught himself with his left arm and went straight down to the ground.

27. On October 10, 2007, Joseph Huether was found “Not Guilty” of the crime of Assault 4th Degree, after a jury trial in Grays Harbor County District Court; Grays Harbor County District Court Criminal Complaint #2007-151.

28. On September 20, 2008, Joseph Huether participated in an interview with an OPP investigator.

29. On October 14, 2008, Joseph Huether submitted a sworn statement to OPP.

30. 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 Joseph Huether and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate, No. 212031R, of Joseph Huether, should be suspended as provided for in WAC 181-86-070.

3. Joseph Huether has violated WAC 181-87-060, RCW 28A.410.090, WAC 181-86-013, WAC 181-86-014, and/or WAC 392-400-235.

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ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 212031R, of Joseph Huether be suspended for twelve (12) months.

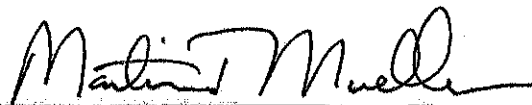
Reinstatement shall require: (1) successful completion of an anger management course, by Raimell Gonzales, a certified treatment provider at Peaceful Solutions in Yakima, Washington who is mutually agreed upon by the Office of Professional Practices (OPP) and Joseph Huether; (2) that Joseph Huether follows and complete any and all treatment recommended in the anger management course; (3) that Joseph Huether provides a release authorizing OPP to have access to records of any and all treatment undertaken; and (4) that the cost of conformance to all reinstatement requirements will be the responsibility of Joseph Huether.

AND Reinstatement shall also require submission of a new application, provided by OPP and having Joseph Huether's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP). Reinstatement shall be also contingent upon Joseph Huether's fingerprint background check returning with no criminal convictions that are listed in WAC 181-86-013, RCW 28A.410.090, and/or any felony convictions and/or convictions for misdemeanor crimes of violence.

DATED This 6th day of May, 2009.

RANDY I. DORN
Superintendent of Public Instruction
State of Washington

Stipulated to and approved
For entry:


Martin T. Mueller
Assistant Superintendent
Student Support


Joseph Huether, Respondent

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