



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)	OPP No. D07-01-008
)	
)	AGREED ORDER
ELLEN KESSBERGER)	OF SUSPENSION
Certificate No. 300513R)	
_____)	

COMES NOW the Office of Superintendent of Public Instruction, 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 stipulate by and between the Office of Professional Practices (OPP), Office of Superintendent of Public Instruction (OSPI), and Ellen Kessberger, that the Washington Education Certificate, No.300513R, of Ellen Kessberger, shall be suspended, based on the Findings of Fact and Conclusions of Law set forth below:

FINDING OF FACTS

1. Ellen Kessberger was issued a Washington Education Certificate, No. 300513R, on July 30, 1990. That certificate currently remains valid.
2. Ellen Kessberger was employed by the Edmonds School District.

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3. On January 9, 2007, the Office of Professional Practices, within OSPI, received a complaint letter from Nick Brossoit, Ed.D, Superintendent of the Edmonds 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 Ellen Kessberger.

4. On March 3, 2004, Ellen Kessberger was arrested and booked by Seattle Police Department officers for Investigation of Violation of the Uniform Controlled Substance Act, RCW 69.50.403(1)(c), and Investigation of Forgery, RCW 9A.60.020; Seattle Police Department Case No. 04-090639. Charges were later dismissed in King County District Court – West Seattle.

5. On August 22, 2004, Kirkland Police Department arrested Ellen Kessberger for Attempting to Obtain a Controlled Substance, or Procure the Administration of a controlled Substance by the Use of a False Name; RCW 69.50.403, and Possessing a Controlled Substance, Which was not Prescribed to her; RCW 69.50.4013; Kirkland Police Department Case No. 2004-00005426.

6. On December 10, 2004, an Information and a Certification For Determination of Probable Cause were filed in King County Superior Court, charging Ellen Kessberger with Violation of the Uniform Controlled Substances Act, contrary to RCW 69.50.403(1)(c); King County Superior Court Case No. 04-1-14131-8 SEA.

7. During the 2005-2006 school year, Ellen Kessberger exhibited unusual behavior at Edmonds-Woodway High School.

8. On February 8, 2005, Ellen Kessberger signed a Drug Diversion Court Waiver and Agreement and an Order of Participation in the Superior Court Drug Court Program; King County Superior Court Case No. 04-1-14131-8 SEA. At an opt-in for drug court, Ellen Kessberger was given a warning for an out of range UA.

9. On July 24, 2005, Ellen Kessberger was arrested by the Jefferson County Sheriff's Office and booked in the Jefferson County Jail for Driving Under the Influence, RCW 46.61.502 and Negligent Driving in the 1st Degree, RCW 46.61.5248; Case No. 0503848.

10. On November 7, 2005, Ellen Kessberg was found guilty of crime of Negligent Driving in the 1st Degree; Jefferson County District Court; Case No. CR5599JC.

11. On January 8, 2006, Ellen Kessberger was arrested for Driving Under the Influence, RCW 46.61.502 and Driving While License Suspended in the 2nd Degree, RCW 46.20.342(1)(b), by Island County Sheriff's Department; Case No. 06-100500.

12. On February 7, 2006, Ellen Kessberger received a Memo from Assistant Principal Michelle Trifunovic, regarding job expectations; specifically explaining the protocol to Ellen Kessberger if she was unable to report to class on time.

13. On March 23, 2006, Ellen Kessberger failed to show on time for her scheduled class, leaving students unsupervised. On March 27, 2006, Assistant Principal, Michelle Trifunovic, issued Ellen Kessberger a Memo regarding work expectations.

14. On April 7, 2006, Michelle Trifunovic issued Ellen Kessberger a Memorandum regarding contract expectations, arrival times, and instructions for finding a substitute when absent or late.

15. On April 11, 2006, Ellen Kessberger failed to show for her regularly scheduled class. On May 9, 2006, Assistant Principal, Michelle Trifunovic issued Ellen Kessberger a Letter of Reprimand for inappropriate and unauthorized absence from school.

16. On May 9, 2006, a Findings of Fact and Conclusions of Law on Termination from Drug Court was filed in King County Superior Court, terminating Ellen Kessberger from Drug Court for numerous violations and Ellen Kessberger was found guilty of one (1) Count Violation of the Uniform Controlled Substances Act: forged Prescription (Percocet), RCW 69.50.403(1)(c).; King County Superior Court Cause No. 04-1-14131-8 SEA.

17. June 22, 2006 Ellen Kessberger received a follow-up letter from Doug Pierce, Executive Director of Human Resources, acknowledging Ellen Kessberger's admission to a reoccurrence to an addiction to alcohol and prescription pain relievers. Doug Pierce agreed to keep Ellen Kessberger on paid administrative leave, which began May 12, 2006, until June 21, 2006.

18. On August 28, 2006, Ellen Kessberger was issued Citation No. C0015361, charging her with Driving Under the Influence, RCW 46.61.502, and Driving While Suspended in the 2nd Degree, RCW 46.20.342(1)(b), by an Island County Sheriff's Department deputy sheriff.

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19. On September 4, 2006, an Affidavit of Probable Cause was filed in Island County District Court charging Ellen Kessberger with Driving Under the Influence, RCW 46.61.502; Case No. 06-1-00500.

20. During the 2006-2007 school year, Ellen Kessberger exhibited unusual behavior at Meadowdale High School.

21. On September 8, 2006, Assistant Principal Tracy Stoops met with Ellen Kessberger to review her classroom responsibilities, her attendance, and the procedure to follow if a substitute is needed.

22. On November 21, 2006, Ellen Kessberger entered the Kid City Child Development Center, located across the street from Meadowdale High School. Ellen Kessberger was acting in an erratic manner and claimed she was paralyzed and needed to sit down. When staff attempted to get Ellen Kessberger to leave, she became belligerent. Julie Anderson and Raelene Johnson from Kid City Child Development Center sent a letter dated November 30, 2006, to Meadowdale High School Administration asking the school district to keep Ellen Kessberger away from Kid City.

23. On November 21, 2006, Ellen Kessberger was on school premises and subsequently absent without leave due to being under the influence of a controlled substance. On November 22, 2006, Tam Osborne, Administrative designee for Ken Limon, Assistant Superintendent, Edmonds School District, issued Ellen Kessberger a letter placing her on Paid Administrative Leave.

24. On November 22, 2006, Ellen Kessberger was issued a Notice of Paid Administrative Leave by Tam Osborne, Director of Certificated Staffing, allowing her to return to duty on November 28, 2006.

25. On December 14, 2006, Ellen Kessberger was issued a Notice of Paid Administrative Leave by Tam Osborne, Director of Certificated Staffing.

26. On December 30, 2006, Ellen Kessberger signed a Settlement Agreement with Edmonds School District, effective January 31, 2007. On January 23, 2007, Ellen Kessberger resigned from the Edmonds School District.

27. On April 3, 2007, Ellen Kessberger was placed on a Deferred Prosecution on the charges of Driving Under the Influence and Driving while Suspended in the 3rd Degree; Island County District Court Case No. C15361.

28. On October 3, 2008, Ellen Kessberger was interviewed by OPP.

29. On January 20, 2009 OPP received a letter from Ellen Kessberger's physician, [REDACTED]

[REDACTED]. According to the letter, all three professionals confirm that Ellen Kessberger is not in any formal substance abuse program and are not able to comment on her potential sobriety. Their recommendation for Ellen Kessberger is that she, "Establish care with an independent mental health professional for a full evaluation focusing on her history of substance abuse."

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Ellen Kessberger and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that Washington Education Certificate, No. 300513R, of Ellen Kessberger, should be suspended as provided for in WAC 181-86-070.

3. Ellen Kessberger has violated WAC 181-87-060, RCW 28A.410.090, WAC 181-86-013 and/or WAC 181-86-014.

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ORDER

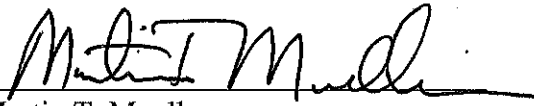
THEREFORE, it is hereby ordered and agreed that the Washington Education Certificate, No. 300513R, of Ellen Kessberger, be suspended for twelve (12) months from the date of entry of this Order.

REINSTATEMENT will require: (1) successful completion of, or continued compliance in an controlled substance/alcohol treatment program which is mutually agreed upon between Ellen Kessberger and OPP; (2) that Ellen Kessberger will provide OPP with evidence of her successful completion of or continued compliance in her treatment program and; (3) if requested, Ellen Kessberger 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 Ellen Kessberger.

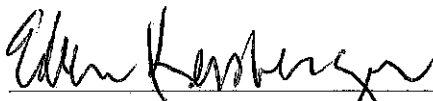
AND/OR Reinstatement shall (also) require submission of a new application, including Character and Fitness Supplement, provided by OPP and having Ellen Kessberger's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP). Reinstatement shall also be contingent upon Ellen Kessberger'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 any convictions for offenses involving alcohol or controlled substances.

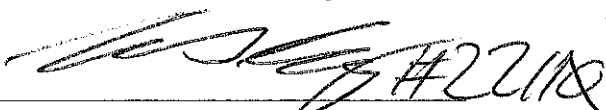
DATED This 29th day of July, 2009.

RANDY I. DORN
Superintendent of Public Instruction
State of Washington


Martin T. Mueller
Assistant Superintendent
Student Support

Stipulated to and approved
For entry:


Ellen Kessberger, Respondent


Mike Gawley, Attorney for Respondent

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WSBA #22110