



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. D07-11-113
)	
Emily Maks)	FINAL ORDER
Certificate No. 398090A)	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. 398090A, of Emily Maks, for twelve (12) months based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Emily Maks was issued a Washington Education Certificate, No. 398090A, on May 1, 2002. That certificate currently remains valid.
2. Emily Maks was employed by the Enumclaw School District.
3. On November 19, 2007, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Enumclaw 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 Emily Maks.

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4. During the 2005-2006 school year, Emily Maks was a classroom teacher at Enumclaw High School.

5. During the 2005-2006 school year, Emily Maks allowed a 12th grade female student, A.C., to sleep overnight at her residence and allowed A.C. to visit her at her house to talk and play video games.

6. On May 16, 2006, Emily Maks resigned her classroom teaching position with the Enumclaw School District.

7. During the 2007-2008 school year, Emily Maks was the coach for the Enumclaw High School boys' water polo team.

8. During the 2007-2008 school year, during a boys' water polo team practice, Emily Maks allowed a 10th grade male student, S.J., to change into his swim suit on the pool deck for a team photograph. Emily Maks was in the immediate vicinity of S.J. while he changed clothes. S.J. was observed nude by Enumclaw Aquatic Center employees.

9. During the 2007-2008 school year, during a boys' water polo team practice, Emily Maks instructed members of the boys' water polo team to change into their swim suits while on the open pool deck. Emily Maks was in the immediate vicinity of the boys while they changed clothes. Members of the water polo team were observed nude by Enumclaw Aquatic Center employees.

10. On November 7, 2007, the Enumclaw School District terminated Emily Maks' employment as coach of the high school swim and water polo teams.

11. On December 6, 2007, the Enumclaw School District issued a notice to Emily Maks advising her that she was not welcome at Enumclaw School District activities.

12. Emily Maks was contacted by OPP and advised of her opportunity to respond to allegations of misconduct; per RCW 28A.410.090. Emily Maks has not provided a response to the allegations.

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 Emily Maks and over the subject matter of this action.
2. OSPI has shown by clear and convincing evidence, that the Washington Education Certificate, No. 398090A, of Emily Maks, should be suspended as provided for in WAC 181-86-070.
3. Emily Maks has violated WAC 181-87-060, RCW 28A.410.090, WAC 181-86-013, and/or WAC 180-86-014.


ORDER

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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. 398090A, of Emily Maks is Suspended.

DATED This 23rd day of March, 2009.

RANDY I. DORN
Superintendent of Public Instruction
State of Washington


Martin T. Mueller
Assistant Superintendent
Student Support