

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)	OPP No. D05-10-100
)	
Keith Nielsen)	AGREED ORDER
Certificate No. 309265G)	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. 309265G, of Keith Nielsen for six (6) months based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Keith Nielsen was issued a Washington Education Certificate, No. 309265G, on August 22, 1991. That certificate currently remains valid.

2. Mr. Nielsen was employed by the Central Valley School District.

3. On October 21, 2005, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Central Valley 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 Mr. Nielsen.

KEITH NIELSEN
 AGREED ORDER OF SUSPENSION



4. B.S., a 16 year old female student, was a drum major for the school band during the 2004-2005 school year. Mr. Nielsen was the University High School band teacher.

5. During the 2004-2005 school year, Mr. Nielsen and B.S.: were in his classroom and/or office, each day, before school without other students present; had lunch together in Mr. Nielsen's classroom and/or office several times a week without other students present; were in his classroom and/or office after school several times a week without other students present; and Mr. Nielsen regularly gave B.S. a pass from one of her classes so she could go to his classroom and/or office.

6. On February 24, 2005, Mr. Nielsen was present at a staff meeting when a pamphlet titled Risky Practices was reviewed. Part of the list of activities recommended to avoid are: do not meet with student behind closed doors; do not meet with a student alone in your classroom outside of the regular school day; and do not regularly transport student in your own vehicle.

7. In March of 2005, during a band trip from Spokane to the Seattle/Tacoma area, Mr. Nielsen and B.S. sat next to each other on the bus and Mr. Nielsen allowed B. S. to place her head on his shoulder and sleep.

8. While in the Seattle area for the band trip, Mr. Nielsen and B.S. ate lunch together, away from the remainder of students and staff and, later, walked around the EMP at the Seattle Center alone.

9. In April of 2005, Mr. Nielsen transported B.S. in his personal vehicle.

10. During an interview on April 28, 2005, with Central Valley School District staff, Mr. Nielsen stated, among other comments, that he believed that B.S. had a "crush" on him.

11. Central Valley School District received allegations that Mr. Nielsen engaged in inappropriate behavior involving a high school student. He was placed on paid administrative leave on April 28, 2005.

12. On May 3, 2005, Mr. Nielsen was issued a written warning by Lise Louer, Assistant Superintendent for Human Resources of Central Valley School District, for: allowing B.S. to sleep with her head on his shoulder during a band trip; having lunch alone with B.S. while on the band trip; allowing B.S., "who you thought had a crush on you", to spend a significant amount of time with him on a daily basis, including time in his office; and engaging in behaviors that his principal had described and cautioned all staff against. Mr. Nielsen was also directed to take responsibility for setting appropriate boundaries for time spent with an individual student and to review the Risky Practices guidelines.

13. B.S. was a drum major for the school band during the 2005-2005 school year.

14. From the beginning of the 2005-2006 school year until approximately October 5, 2006, Mr. Nielsen and B.S.: were in his classroom and/or office, each day, before school without other students or staff present; had lunch together in Mr. Nielsen's classroom and/or office several times a week without other students present; were in his classroom and/or office after school several times a week without other students present.

15. On October 5, 2005, Mr. Nielsen was placed on paid administrative leave pending investigation into allegations that Mr. Nielsen was continuing to engage in inappropriate behaviors with B.S.

16. On October 7, 2005, Mr. Nielsen was given a letter of reprimand. The Findings listed in the letter of reprimand state: that Mr. Nielsen failed to set appropriate boundaries with B.S.; that Mr. Nielsen engaged in risky behaviors that his principal had previously described and cautioned all staff against; and Mr. Nielsen had established a relationship with a female student that "reasonable adults" are describing as flirtatious and outside the realm of an appropriate student-teacher relationship. Mr. Nielsen was directed to: stop one-on-one lunches with B.S., including morning coffee and lunches; include both drum majors in any meeting or activity related to drum major responsibilities; avoid singling out one student for a special relationship; adhere to professional conduct standards; and to attend "Safer Relationships with Student" course, presented by Jerry Painter, WEA General Counsel, on October 14, 2005.

17. On October 14, 2005, Mr. Nielsen attended the "Safer Relationships with Students" course.

18. During the 2005-2006 school year, B.S. was a drum major for the school band. She was also Mr. Nielsen's student teaching assistant (T.A.) during 1st period.

19. During the 2005-2006 school year, B.S. was in Mr. Nielsen's classroom during her lunch period.

20. During the 2005-2006 school year, B.S. was part of Mr. Nielsen's 4th period class. At least 2-3 times per week, during the first 15-20 minutes of the class period, B.S. and Mr. Nielsen were in his office area together, while the remainder of students were in the classroom.

21. During a band trip to Seattle, in March of 2006, Mr. Nielsen gave B.S. over-the-counter pain medication and, in Seattle, B.S. and Mr. Nielsen walked around Pike's Place Market together, without other students or staff present.

22. In May of 2006, Mr. Nielsen wrapped B.S.'s knee and ankle and on another occasion, wrapped her feet with athletic tape. When Mr. Nielsen wrapped B.S.'s ankle, her other ankle was upon his knee.

23. During the 2005-2006 school year, B.S. and Mr. Nielsen were observed, during regular class time, outside the school building playing catch with a softball.

24. On May 29, 2006, Mr. Nielsen was placed on administrative leave after the Central Valley School District received allegations that Mr. Nielsen was continuing to engage in inappropriate behavior with a high school student.

25. On June 7, 2006, during an interview with Lise Louer, B.S. stated: that the relationship between herself and Mr. Nielsen was "different" than what he had with other students; "I guess he shows me favoritism"; that she considered him a friend; and that the relationship she has with Mr. Nielsen is not like what she has with any other teacher.

26. On June 14, 2006, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Central Valley 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 Mr. Nielsen.

27. On June 15, 2006, Mr. Nielsen participated in an interview with Lise Louer and Daryl Hart, University High School Principal. During the interview, Mr. Nielsen stated, among other comments: that B.S. doesn't come into his room during lunch; that after school, B.S. might be in the band room with other students; during 4th period, B.S. comes in and sits down with the other students; that he did play catch with B.S., but it was after the school day had concluded; he had wrapped B.S.'s knee one time; and that after consultation with an athletic trainer, he had wrapped B.S.'s feet.

28. On August 17, 2006, Mr. Nielsen signed an Agreement with the Central Valley School District. Mr. Nielsen submitted his resignation from his position in the Central Valley School District on August 17, 2006; effective December 31, 2006. Mr. Nielsen was to remain on administrative leave from August 17, 2006 through December 31, 2006.

29. On February 22, 2007, Mr. Nielsen participated in an interview with an OPP investigator. During the interview, among other comments, Mr. Nielsen: when asked if he agreed with the description of his relationship with B.S. as super flirtatious, replied "I suppose so"; stated that the relationship with B.S. was wrong; and stated that it had not been a proper student-teacher relationship.

30. On March 19, 2007, Mr. Nielsen wrote a statement of response to OPP.

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

/

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Keith Nielsen and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate, No. 3093265G, of Keith Nielsen, should be suspended as provided for in WAC 181-86-070.

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

/

/

/

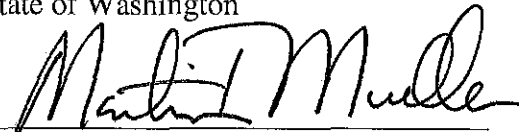
ORDER

THEREFORE, it is hereby ordered and agreed that the Washington Education Certificate, No. 309265G, of Keith Nielsen, be suspended for six (6) months from the date of entry of this Order.

Reinstatement shall require: (1) successful completion of a psychological evaluation which validates Keith Nielsen's ability to have unsupervised access to children, by an evaluator mutually agreed upon by the Office of Professional Practices (OPP) and Keith Nielsen's; (2) that Keith Nielsen provide written consent for OSPI to release documents to the evaluator for purposes of completing an evaluation and course of treatment; (3) that Keith Nielsen follows and complete any and all treatment recommended in the evaluation; (4) that Keith Nielsen provides a release authorizing OPP to have access to records of any and all evaluation and any and all subsequent treatment undertaken; (5) and that the cost of conformance to all reinstatement requirements will be the responsibility of Keith Nielsen. **AND** Reinstatement shall also require submission of a new application, provided by OPP and having Keith Nielsen's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP). Reinstatement shall also be contingent upon Keith Nielsen'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.

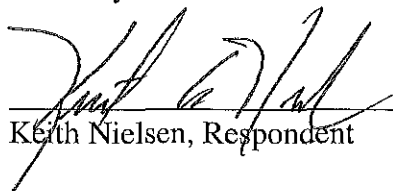
DATED This 29th day of April, 2008.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington




Martin T. Mueller
Assistant Superintendent
Student Support

Stipulated to and approved
For entry:



Keith Nielsen, Respondent



William Powell, Attorney for Respondent

KEITH NIELSEN
AGREED ORDER OF SUSPENSION