



# 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. D06-09-071
	)	
	)	AGREED ORDER
Kathleen Overman-Swift	)	OF SUSPENSION
Certificate No. 234486R	)	
	)	

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 Kathleen Overman-Swift, that the Washington Education Certificate, No. 234486R, of Kathleen Overman-Swift, shall be suspended, based on the Findings of Fact and Conclusions of Law set forth below:

### FINDING OF FACTS

1. Kathleen Overman-Swift was issued a Washington Education Certificate, No. 234486R, on June 9, 1979. That certificate currently remains valid.
2. Kathleen Overman-Swift was employed by the Pasco School District.



3. On March 13, 2006, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Pasco 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 Kathleen Overman-Swift; OPP #D06-03-027.

4. On August 6, 2004, Ms. Overman-Swift signed a copy of the Pasco School District "Drug Free Workplace" policy.

5. On February 28, 2005, after receiving notice from Ms. Overman-Swift's colleagues of suspicion that Ms. Overman-Swift was under the influence of alcohol at school, Jackie Ramirez, principal at Ochoa Middle School, notified Ms. Overman-Swift that it was against district policy to be under the influence of alcohol or drugs while working. Ms. Ramirez did not find reasonable suspicion to believe that Ms. Overman-Swift was under the influence of alcohol on that day.

6. On February 28, 2006, Ms. Overman-Swift was under the influence and/or affected by intoxicating liquors while employed as a first grade teacher at McGee Elementary School. A test of Ms. Overman-Swift's breath for blood alcohol content was completed at 10:32 AM and 10:48 AM with results of .191 and .185, respectively. Ms. Overman-Swift was placed on administrative leave this day. She was issued a letter of reprimand on March 30, 2006.

7. On March 3, 2006, Ms. Overman-Swift requested medical leave for purposes of treatment.

8. On March 24, 2006, the Pasco School District received a letter from a counselor at the Lourdes Occupational Health Center stating that the interview with Ms. Overman-Swift did not indicate a dependence on alcohol but rather abuse issues as she was using alcohol to cope.

9. On March 30, 2006, the Pasco School District received a letter from the Lourdes Occupational Health Center stating that: the assessment tools used, along with an interview, at the first session did not indicate dependence upon alcohol, but rather abuse issues as Ms. Overman-Swift was using alcohol to cope; that Ms. Overman-Swift had completed requirements; and that she was able to return to work.

10. On March 30, 2006, Ms. Overman-Swift was issued a Letter of Reprimand for being under the alcohol on February 28, 2006.

11. On March 31, 2006, Ms. Overman-Swift signed a Return to Work Agreement with the Pasco School District.

12. On April 25, 2006, OPP No. D06-03-027 was dismissed.

13. On September 25, 2006, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Pasco 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 Kathleen Overman-Swift.

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14. On September 20, 2006, Ms. Overman-Swift was under the influence and/or affected by intoxicating liquors while employed as a first grade teacher at McGee Elementary School. A test of Ms. Overman-Swift's breath for blood alcohol content was completed at 1:56 PM and 2:12 PM, with results of .095 and .097 respectively.

15. On September 20, 2006, Ms. Overman-Swift was placed on administrative leave.

16. On September 21, 2006, Ms. Overman-Swift signed a Settlement Agreement with the Pasco School District. Ms. Overman-Swift resigned her employment with the Pasco School District, effective October 24, 2006.

17. On October 5, 2006, Ms. Overman-Swift voluntarily entered a 21-day Intensive Inpatient Alcoholism and Chemical Dependency Treatment program at Sundown M Ranch in Selah, Washington. Ms. Overman-Swift successfully completed treatment on October 26, 2006.

18. An interview was conducted with Ms. Overman-Swift on April 6, 2007 by an OPP investigator. Ms. Overman-Swift presented a signed, sworn statement to OPP on April 27, 2007. During the interview, Ms. Overman-Swift claimed that in February and September of 2006, she consumed alcohol the night and morning hours before being observed under the influence and/or affected by alcohol at school. Ms. Overman-Swift states that, in February of 2006, she was struggling as a victim of domestic violence and personal relationship issues.

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19. On November 28, 2007, OPP received a letter from Robert Lack, Chemical Dependency Professional for Action Counseling, regarding Ms. Overman-Swift's out-patient treatment program. The letter stated that Ms. Overman-Swift was currently in compliance with her treatment program.

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

**CONCLUSIONS OF LAW**

1. OSPI has jurisdiction over Kathleen Overman-Swift and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate, No. 234486R, of Kathleen Overman-Swift, should be suspended as provided for in WAC 181-86-070.

3. Kathleen Overman-Swift has violated WAC 181-87-055, 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. 234486R, of Kathleen Overman-Swift, be suspended for fifteen (15) months from the date of entry of this Order.

It is also hereby ordered and agreed that Ms. Overman-Swift shall provide a copy of this Agreed Order of Suspension to any prospective employer for employment in an educational setting.

Reinstatement will require: (1) continued compliance in and successful completion of an alcohol treatment program at Action Counseling of Kennewick, Washington; (2) that if Ms. Overman-Swift changes treatment providers, the treatment provider will be mutually agreed upon by Ms. Overman-Swift and OPP; (3) that if Ms. Overman-Swift changes treatment providers, she shall sign a consent form allowing OPP to provide copies of OPP File No. D06-09-071 and OPP File No. D06-03-027 to the treatment provider; (4) no criminal violations of the law involving the use of alcohol for the period of suspension, and that if Ms. Overman-Swift is arrested and/or charged with any alcohol related offense, during the period of suspension, she shall within five [5] days of arrest or charging of criminal violation, notify OPP and provide any and all court documents relating to the issue; and (5) that OPP is entitled to Ms. Overman-Swift's treatment records and Ms. Overman-Swift will sign authorization permitting such access. The cost of conformance to all reinstatement requirements will be the responsibility of Kathleen Overman-Swift.

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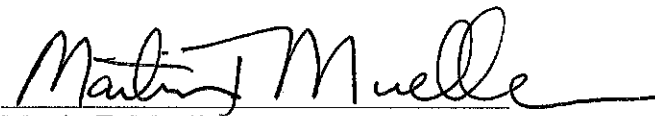
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AND Reinstatement shall require submission of a new application, provided by OPP and having Kathleen Overman-Swift's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP). Reinstatement shall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


DATED This 14<sup>th</sup> day of February, 2008.

DR. TERRY BERGESON  
Superintendent of Public Instruction  
State of Washington

Stipulated to and approved  
For entry:

  
Martin T. Mueller  
Assistant Superintendent  
Student Support and Operations

  
Kathleen Overman-Swift, Respondent

  
Edward Shea, Jr., Attorney for Respondent  
WSBA # 23704