



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. D02-06-097

ALAN SCHMITH)
Certificate No. 254631E)

AGREED ORDER
OF SUSPENSION

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 Alan Schmith, that the Washington Education Certificate, No.254631E, of Alan Schmith, shall be suspended, based on the Findings of Fact and Conclusions of Law set forth below:

FINDING OF FACTS

1. Alan Schmith was issued a Washington Education Certificate, No. 254631E, on March 22, 1983. That certificate currently remains valid.

2. Alan Schmith was employed as a high school counselor by the Clover Park School District.

3. On June 11, 2002, the Office of Professional Practices, within OSPI, received a complaint letter from Doris McEwen Walker, Ph.D., Superintendent of the Clover Park 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) 180-87, by Alan Schmith.
4. On April 28, 2002, Alan Schmith was intoxicated, and allowed an unlicensed Clover Park student to drive his vehicle. Alan Schmith was a passenger in the vehicle, which was involved in a collision. The student was cited for driving without a license and speeding. Alan Schmith was cited for allowing an unlicensed driver to drive his vehicle.
5. During the 2001-2002 school year, Alan Schmith allowed students unsupervised access to his office computer. Students downloaded inappropriate materials on Mr. Schmith's computer.
6. Mr. Schmith resigned from his position with the Clover Park School District effective March 31, 2003.
7. Good moral character and personal fitness is a continuing requirement to maintain a Washington Education Certificate.

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Alan Schmith and over the subject matter of this action.
2. OSPI has shown by clear and convincing evidence that Washington Education Certificate, No. 254631E, of Alan Schmith, should be suspended as provided for in WAC 180-86-070.

3. Alan Schmith has violated WAC 180-86 and WAC 180-87.

ORDER

THEREFORE, it is hereby ordered and agreed that the Washington Education Certificate, No. 254631E, of Alan Schmith, be suspended for six (6) months from June 20, 2003 to December 20, 2003.

Reinstatement shall require submission of a new application, provided by OPP and having Alan Schmith's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP).

DATED This ^{1st} ~~12~~ day of Dec., 2003. [Redacted]

[Redacted]
DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington

By: Marcia L. Riggers
Marcia L. Riggers
Assistant Superintendent
[Redacted] Support and Operations

Stipulated to and approved
For entry; notice of presentation
waived:

Alan Schmith
Alan Schmith, Respondent

[Signature]
Eric Hansen, Attorney for Respondent
WSBA # 14733