



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. D06-10-078
)	
)	AGREED ORDER
Matthew Wakabayashi)	OF SUSPENSION
Certificate No. 186074A)	
)	

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 Matthew Wakabayashi, that the Washington Education Certificate, No. 186074A, of Matthew Wakabayashi, shall be suspended, based on the Findings of Fact and Conclusions of Law set forth below:

FINDING OF FACTS

1. Matthew Wakabayashi was issued a Washington Education Certificate, No. 186074A, on September 1, 1971. That certificate currently remains valid.
2. Mr. Wakabayashi was employed by the Spokane Public Schools.
3. On October 23, 2006, the Office of Professional Practices, within OSPI, received a

MATTHEW WAKABAYASHI
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complaint letter from the superintendent of the Spokane Public Schools 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 Matthew Wakabayashi.

4. From about September 18 to October 4, 2006, Mr. Wakabayashi used Spokane School District computer equipment to access and view sexually explicit images on the Internet.

5. On October 2nd, 3rd, and 4th of 2006, during routine reviews, the Executive Director of Technology and Information Services for the Spokane Public Schools observed activity that was categorized as "Adult and Pornographic" connected to the specific IP address and user account information for Mr. Wakabayashi.

6. On October 2, 2006, Mr. Wakabayashi used his assigned computer to send e-mail to a web site. In the e-mail, and subsequent e-mails to the same site, Mr. Wakabayashi requests that recently used underclothing be sent to him and inquires upon the cost of the underclothing. The underclothing was received at Mr. Wakabayashi's school and was addressed to him.

7. Mr. Wakabayashi received, at his assigned school, had numerous catalogs advertising the sale of sexually explicit material. The material contained sexually explicit images.

8. On October 10, 2006, Mr. Wakabayashi entered into an Agreement and Release with Spokane Public Schools. In the Agreement, Mr. Wakabayashi resigns his employment with the Spokane Public Schools, effective June 30, 2007.

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Matthew Wakabayashi and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate, No. 186074A, of Matthew Wakabayashi, should be suspended as provided for in WAC 180-86-070.

4. Matthew Wakabayashi 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. 186074A, of Matthew Wakabayashi, be suspended for four (4) months from the date of entry of this Order.

Reinstatement shall require adherence to the following stipulations:

(1) successful completion of a psychological evaluation which validates Mr. Wakabayashi's ability to have unsupervised access to children, by an evaluator mutually agreed upon by the Office of Professional Practices (OPP) and Mr. Wakabayashi; (2) that Mr. Wakabayashi provide written consent for OPP to release documents to the evaluator for purposes of completing an evaluation and course of treatment; (3) that Mr. Wakabayashi follows and successfully complete any and all treatment recommended in the evaluation; (4) that Mr. Wakabayashi provides a release authorizing OPP to have physical access to records of any and all evaluations and any and all subsequent treatment undertaken, for purpose of review of documents to ensure that the conditions listed in stipulations #1 and #3 of this Order have been satisfied; (5) that Mr. Wakabayashi provides a release authorizing the mutually agreed upon treatment provider to provide a summary statement to OPP regarding their professional judgment of Mr. Wakabayashi's ability to have unsupervised access to children; (6) and that the cost of conformance to all reinstatement requirements will be the responsibility of Matthew Wakabayashi. Reinstatement shall also require submission of an Application for Reinstatement of Suspended/Revoked Certificate, provided by OPP, and having Mr. Wakabayashi's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP). Reinstatement shall be contingent upon Mr. Wakabayashi'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 5th day of June, 2007.

Stipulated to and approved
For entry:

Matthew Wakabayashi
Matthew Wakabayashi, Respondent

Larry O. Kuznetz
Larry Kuznetz, Attorney for Respondent
WSBA #8697

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington

Martin T. Mueller
Martin T. Mueller
Assistant Superintendent
Student Support and Operations