



SUPERINTENDENT OF PUBLIC INSTRUCTION

Chris Reykdal Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

RE: Andrea Brower
OSPI Case Number: D18-11-099
Document: Final Order of Suspension

Regarding your request for information about the above-named educator; attached is a true and correct copy of the document on file with the State of Washington, Office of Superintendent of Public Instruction, Office of Professional Practices. These records are considered certified by the Office of Superintendent of Public Instruction.

Certain information may have been redacted pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **None**

If you have any questions or need additional information regarding the information that was redacted, if any, please contact:

OSPI Public Records Office
P.O. Box 47200
Olympia, WA 98504-7200
Phone: (360) 725-6372
Email: PublicRecordsRequest@k12.wa.us

You may appeal the decision to withhold or redact any information by writing to the Superintendent of Public Instruction, OSPI P.O. Box 47200, Olympia, WA 98504-7200.



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IN THE MATTER OF THE EDUCATION)	
CERTIFICATE OF)	OPP No. D18-11-099
)	
ANDREA BROWER)	FINAL ORDER
Certificate No. 398042B)	OF SUSPENSION
)	

After receiving and investigating a complaint from White River School District (“School District”) regarding the above referenced educator, and based upon the facts available as of the date of this Proposed Order, the Superintendent of Public Instruction, through his undersigned designee, institutes this proceeding and finds, as described below, that ANDREA BROWER (“Educator”) lacks the good moral character and personal fitness to serve as a certificated educator in the state of Washington pursuant to WAC 181-86-013 and WAC 181-86-014 and engaged in acts of unprofessional conduct to include WAC 181-87-055 and WAC 181-87-060, and does hereby SUSPEND the Educator’s Washington Education Certificate No. 398042B for not less than 12 MONTHS with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On April 30, 2002, the Educator was issued Washington Education Certificate No. 398042B. The Educator’s certificate will expire on June 30, 2022.
2. During the 2018–2019 school year, the Educator was employed by the School District at Glacier Middle School as a Social Studies and History teacher.

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ANDREA BROWER
FINAL ORDER OF SUSPENSION

3. On October 29, 2018, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint from Janel Keating-Hambly, Superintendent of the School District, alleging the Educator committed acts of unprofessional conduct pursuant to WAC 181-87-055.

4. On October 9, 2017, after several days of the Educator calling in sick at the last minute to work and failing to properly prepare for a substitute teacher, the Educator sent a series of bizarre texts messages to Nick Hedman, the school Principal. Scott Harrison, the Human Resources Director of the School District, called the Educator on the telephone to inquire into her well-being. During the phone call, the Educator seemed to be under the influence of alcohol at approximately 11:23 am. The Educator informed Mr. Harrison that she previously attended alcohol treatment and was suffering negative consequences in her personal life as a result of her alcoholism. Mr. Harrison provided the Educator with information about the School District’s employee assistance program. Mr. Harrison informed her that she was responsible for her professional obligations and offered her the option of taking some time off from teaching if she needed to seek help. After this conversation, the Educator appeared to be improving and her absences from work reduced significantly.

5. In June 2018, the Educator once again began missing days at work and calling in sick at the last minute. She failed to submit grades on time and failed to grade student work in preparation for final grades. Mr. Hedman and Mr. Harrison worked with the Educator to get the grading done and submit final grades for her students. Shortly thereafter, Mr. Hedman scheduled an investigative conference regarding the Educator’s professional misconduct.

6. On June 24, 2018, the Educator sent Mr. Hedman an email informing him that she was not going to be able to attend the investigative conference because she recently checked into an alcohol treatment facility.

7. On August 23, 2018, the Educator met with Mr. Hedman, Assistant Principal John Schumacher, and the Educator's union representative to discuss her failure to perform a series of professional duties at the end of the 2017–2018 school year.

8. On August 31, 2018, the Educator received a Letter of Reprimand for her professional misconduct during the end of the 2017–2018 school year.

9. On August 28, 2018, the Educator attended a follow-up meeting with her union representative and Mr. Harrison to further discuss her professional misconduct the previous school year and the negative impact her alcohol abuse had on her job performance. The Educator told Mr. Harrison she attended treatment the previous two summers. Mr. Harrison informed the Educator that legal protections and accommodations exist for alcoholism, but the School District has specific legal rights as well. Mr. Harrison told the Educator that he could not “accommodate away” the essential functions of the Educator's job or the fact that the School District is a drug free workplace. He reminded the Educator she is responsible for her professional conduct and should seek treatment should her alcoholism begin interfering with her professional responsibilities again.

10. On October 12, 2018, the Educator consumed a large quantity of alcohol on school premises and exhibited signs of extreme intoxication during her 5th period class.

- a. An Instructional Paraeducator who supported the Educator's 5th period Pacific Northwest History class, Dorothy Berkshire, noticed the Educator was exhibiting slurred speech, slow movements, and smelled of alcohol. The Educator asked the paraeducator if she could use the restroom and took her purse with her. When the Educator returned from the restroom, she exhibited difficulty putting words together, stumbled, repeatedly fell asleep at her desk, and began lecturing and cursing at students.

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- b. The Educator singled out a particular student (“Student A¹”) and scolded her, which embarrassed the student. Student A described the Educator as “being weird and loopy, like she was going to fall asleep” and using profanity.
- c. Ms. Berkshire noticed a student (“Student B”) crying and asked if she was okay. The student responded “my mom is an alcoholic and [the Educator] is drunk.”
- d. Ms. Berkshire emailed the school office and asked for an administrator to come to the classroom immediately.
- e. Assistant Principal Bryan Howisey arrived at the Educator’s classroom and noticed that the room was silent. The Educator was unsteady on her feet and began talking about her previous alcohol abuse treatments and personal consequences she suffered as a result of her alcoholism. Mr. Howisey removed her from the classroom and brought her to his office where he kept an eye on her while she fell in and out of sleep.
- f. The Human Resources Director, Mr. Harrison, received a call from the school alerting him that they needed his help immediately. When he arrived, Ms. Berkshire was crying, shaking, and visibly distraught. She told Mr. Harrison “I’m worried for the kids, this was really scary.”
- g. The Educator was taken to St. Elizabeth Hospital. When she arrived at the hospital, her condition deteriorated even further and the Educator could not walk on her own.
- h. Two separate blood alcohol tests were administered at the hospital, both indicating an extremely high level of alcohol intoxication. The first test result measured a .392 blood alcohol concentration (BAC) and the second measured a .380 BAC.

¹ Student names have been replaced with letter names (e.g., “Student A”) to protect privacy.

11. On October 13, 2018, the Educator was placed on Administrative Leave pending an investigation.

12. On October 19, 2018, the Educator participated in an investigative conference with the School District. During the course of the conference, the Educator told the School District she accidentally drank almost two 16-ounce water bottles filled with vodka on school premises. She explained that she grabbed a few water bottles from her refrigerator at home on October 12, 2018, and put them in her backpack to take to work. She claimed not to know who put the water bottles in the refrigerator. The Educator further explained that she quickly drank the contents of the bottles during second or third lunch on October 12, 2018. The Educator alleged she did not realize the bottles were filled with vodka until after she consumed them both on school premises.

13. On October 23, 2018, the Educator signed a Settlement Agreement with the School District agreeing to take a leave of absence until January 31, 2019, and resigning from her employment effective January 31, 2019.

14. On July 10, 2019, the Educator participated in an interview with an OPP investigator. During the course of the interview, the Educator admitted to consuming alcohol on school premises and being intoxicated on school premises in the presence of children. The Educator repeated what she previously told the School District regarding her not realizing the water bottles she consumed on school premises on October 12, 2018, were filled with vodka until after she drank them. In contrast to what she told the School District, the Educator told the OPP investigator that she put vodka into the water bottles the night before. However, she claimed to believe they contained water when she put them in her backpack the next morning and brought them to the school. The Educator further explained that she drank the contents of the first bottle without realizing it was filled with alcohol until after she finished the entire bottle. The Educator said she then drank the second bottle right afterwards believing it was water, but, after she started drinking it, she realized it was vodka.

15. The Educator submitted alcohol abuse treatment records from Schick Shadel Hospital to OPP. These records show the Educator was admitted to Schick Shadel Hospital on May 6, 2019, and discharged May 19, 2019. Her discharge paperwork recommends ongoing treatment and therapy. At the time of this Proposed Order of Suspension, OPP has not received records of compliance with these recommendations. The Educator declined to sign a release of information authorizing Schick Shadel to forward records of her care to aftercare providers.

II. CONCLUSIONS OF LAW

1. Chapter 28A.410 RCW gives the Professional Educator Standards Board the authority to develop regulations determining eligibility for and certification of personnel employed in the common schools of the state of Washington. OSPI acts as the administrator of those statutes and regulations and has the authority to issue, reprimand, suspend, and revoke education certificates. RCW 28A.410.010; RCW 28A.410.090. Chapters 181-86 and 181-87 of the Washington Administrative Code (WAC) further implement OSPI's authority.

2. OSPI has jurisdiction over the Educator and the subject matter of this action.

3. The Educator committed acts of unprofessional conduct pursuant to WAC 181-87-055(1) when she was under the influence of alcohol on school premises following: a notification from the School District of its concern regarding alcohol abuse affecting her job performance; a recommendation from the School District that the Educator seek counseling or other appropriate and available assistance; and a reasonable opportunity to obtain such assistance.

4. The Educator committed acts of unprofessional conduct pursuant to WAC 181-87-055(3) when she consumed alcohol on school premises contrary to written School District Policy #5201 "Drug Free Workplace."

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5. The Educator committed acts of unprofessional conduct pursuant to WAC 181-87-060(1) in her treatment and supervision of students when she: repeatedly fell asleep for short periods of time while entrusted with supervising students; used profanity directed towards students; singled out and embarrassed Student A; upset Student B who began to cry; and scared students with her behavior and conduct.

6. As exhibited by the Educator’s professional misconduct, the Educator has a behavioral problem pursuant to WAC 181-86-013(3) and WAC 181-86-014 that endangers the educational welfare and personal safety of students, teachers, or other colleagues within the educational setting.

7. Pursuant to WAC 181-86-170, there is clear and convincing evidence that the Educator committed acts of unprofessional conduct.

8. Pursuant to WAC 181-86-170, there is clear and convincing evidence the Educator lacks the good moral character and/or personal fitness to serve as a certificated employee in schools in the state of Washington, including the character and personal fitness to have contact with, to teach, and to perform supervision of children.

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9. Pursuant to WAC 181-86-080, eleven factors, at a minimum, are to be considered to determine the appropriate level and range of educator discipline:

- (1) The seriousness of the act(s) and the actual or potential harm to persons or property;
- (2) The person's criminal history including the seriousness and amount of activity;
- (3) The age and maturity level of participant(s) at the time of the activity;
- (4) The proximity or remoteness of time in which the acts occurred;
- (5) Any activity that demonstrates a disregard for health, safety or welfare;
- (6) Any activity that demonstrates a behavioral problem;
- (7) Any activity that demonstrates a lack of fitness;
- (8) Any information submitted regarding discipline imposed by any governmental or private entity as a result of acts or omissions;
- (9) Any information submitted that demonstrates aggravating or mitigating circumstances;
- (10) Any information submitted to support character and fitness; and
- (11) Any other relevant information submitted.

10. Based on the foregoing facts and considering them in light of the eleven factors enumerated in WAC 181-86-080, and in light of WAC 181-86-070, WAC 181-86-170, WAC 181-87-055, WAC 181-86-013, WAC 181-86-014, and WAC 181-87-060, the Educator's education certificate should be suspended for unprofessional conduct and for having a behavioral problem which endangers the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting.

III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 398042B of ANDREA BROWER is **SUSPENDED**. The Educator may not request reinstatement of her education certificate for at least 12 MONTHS from the effective date of this ORDER.

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REINSTATEMENT of ANDREA BROWER'S education certificate shall require:

- (1) The Educator must successfully complete a psychological evaluation which validates her ability to have unsupervised access to students in a school environment by a psychologist or psychiatrist preapproved by OSPI;
- (2) Prior to the evaluation, the Educator shall provide written consent for OPP to release documents to the provider for purposes of completing the evaluation;
- (3) The Educator, if treatment is recommended as a result of the evaluation, shall complete any and all recommended treatment and provide evidence of successful completion and/or, if a substance abuse treatment program is recommended, proof of continued compliance in the program to OPP;
- (4) The Educator shall sign consent forms allowing OPP to have access to all records pertaining to the evaluation and treatment and to discuss any and all treatment undertaken with the administrator providing the treatment;
- (5) The Educator must submit a new application, including Character and Fitness Supplement, provided by OPP;
- (6) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigation and the Washington State Patrol;
- (7) The Educator's fingerprint background check must return with no criminal convictions, occurring after the date of issuance of a Final Order of Suspension, that are listed in WAC 181-86-013, RCW 28A.410.090, or any felony convictions;
- (8) The Educator shall assume all costs of complying with the requirements of this Order

DATED this 24th day of September, 2019.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington

Signed: Dierk Meierbachtol
Chief Legal Officer