



SUPERINTENDENT OF PUBLIC INSTRUCTION

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

RE: Nicole Jones
OSPI Case Number: D15-10-090
Document: Agreed 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)
)
NICOLE JONES)
Certificate No. 417754R)
_____)

OPP No. D15-10-090
AGREED ORDER
OF SUSPENSION

After receiving and investigating a complaint from Edmonds School District regarding the above referenced educator, and based upon the facts available as of the date of this Agreed Order, the Superintendent of Public Instruction, through his undersigned designee, does hereby stipulate, by and between the Office of Superintendent of Public Instruction, the Office of Professional Practices, and NICOLE JONES (“the Educator”), that the Educator engaged in acts of unprofessional conduct to include WAC 181-87-055(2), and that the Educator’s Washington Education Certificate No. 417754R shall be SUSPENDED for not less than twelve (12) months with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On July 1, 2004, the Educator was issued Teacher Certificate No. 417754R. The Educator’s Teacher Certificate will expire on June 30, 2021.
2. During the 2015–2016 school year, the Educator was employed by the Edmonds School District at Meadowdale Elementary School as a kindergarten teacher.

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3. The Educator has had no previous disciplinary action through the Office of Professional Practices (“OPP”).

4. On or about October 9, 2015, OPP within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint letter from Dr. Nick Brossoit, the Superintendent of Edmonds School District, alleging the Educator engaged in acts that constitute unprofessional conduct under WAC 181-87-055.

5. Edmonds Public Schools policy 6806, Drug-Free Workplace, in part, states, that the district prohibits:

“A. Reporting to work under the influence of alcohol, illegal drugs or controlled substances, including marijuana/cannabis (including medical marijuana) or other intoxicants;

B. The unlawful manufacture, distribution, dispensation, possession or use of alcohol, illegal and/or controlled substances, including marijuana (cannabis), or other intoxicants in a manner that is detrimental to the interests of the district.

C. Any other manufacture, distribution, dispensation, possession, or use of alcohol, illegal drugs or controlled substances, including marijuana (cannabis), or other intoxicants in a manner that is detrimental to the interests of the district.”

6. On September 11, 2015, the Educator had parent-teacher conferences scheduled for her kindergarten class. The Educator completed her first and second conference. She told a para-educator, Ms. Fish, that she was going to take a break. The Educator went to her car in the Meadowlake Elementary School parking lot and failed to appear for the third scheduled conference.

7. At approximately 10:05 am, Mr. Daniel Davis, principal at Meadowlake Elementary School, sent his office assistant, Ms. Wendy McKerney, to look for the Educator.

8. Ms. McKerney found the educator slumped over in the vehicle. She immediately located Mr. Davis, and they both returned to the Educator’s vehicle. The Educator was still slumped over in the vehicle, but she appeared to be breathing.

9. Both Ms. McKerney and Mr. Davis noticed what appeared to be drugs and drug paraphernalia in the vehicle with the Educator. They saw tinfoil with black marks in the Educator's lap. The Educator was holding onto a lighter in her right hand. On the passenger seat, they saw a plastic bag with a long tubular item sticking out of it. Ms. McKerney took pictures of the items that appeared to be drugs and drug paraphernalia in the vehicle with the Educator.

10. At approximately 10:20 a.m., law enforcement and medical assistance were called to give aid to the Educator.

11. The Educator became responsive when she was approached by SNOCOM (Southwest Snohomish County Communications Agency), a consolidated emergency public safety dispatch agency. The Educator told the responding medical professionals that she was "just really tired".

12. Responding officers from the Lynnwood Police Department, Officer Blake Iverson and Officer Alan Correa, asked the educator if she was using heroin. The Educator denied it initially, but when the officers informed her that pictures were taken with the drug paraphernalia in her lap, the Educator admitted to heroin use.

13. After the Educator gave consent for the officers to search the vehicle, Officer Iverson found a small plastic container with a tar-like substance inside. Officer Iverson believed the substance to be heroin, based on his experience and training. In addition, several pieces of tinfoil with burn marks and various tubular devices that are consistent with narcotic use were found inside the vehicle.

14. Mr. Roger Jordan, Human Resources Director in the Edmonds School District, verbally notified the Educator that she was being placed on administrative leave at approximately 11:00 a.m. on September 11, 2015, effective immediately. Mr. Jordan followed up with a written notification letter to the Educator on the same day.

15. The Educator was taken into custody and transported to the Lynnwood City Jail.
16. Once the Educator arrived at the jail, Officer Mellema searched the Educator's purse and found prescription pills such as emalpril, trazadone, amphetamine, oxycodone, alprazolam, tizandine hydrochloride, and suboxone. The Educator stated that she had expired prescriptions for all of the pills except for the oxycodone and alprazolam – also commonly known by the brand name Xanax.
17. Officer Abolofia tested the tar-like substance and it returned positive for heroin.
18. The Educator was booked on two counts of possession of a controlled substance, possession of prescription medication without a prescription, and possession of drug paraphernalia.
19. On or about February 2, 2016, the Educator and Edmonds School District entered into a settlement agreement. As part of the agreement, the Educator would resign from her teaching position with an effective date of March 31, 2016. The Educator agreed to the terms on or about January 26, 2016.
20. The Educator submitted her written resignation to the Dr. Brossoit on or about January 30, 2016, resignation effective on March 31, 2016.
21. Following a bench trial, the Educator was found guilty on or about September 14, 2016, of Possession of a Controlled Substance (Heroin), a Class C felony. She was sentenced to 30-days commitment to jail. At the time of sentencing, the jail time was converted to 240 hours of community service. The Educator was also required to comply with the Sundown Ranch Treatment Program, which is a drug and alcohol treatment center.
22. On or about September 15, 2016, the Educator appealed her criminal conviction.
23. The Educator declined to be interviewed by the OPP investigator due to the pending appeal in the criminal matter that is directly related to subject of the OPP investigation.

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.410.090, RCW 28A.410.010, and WAC 181-86 and WAC 181-87 further implement OPSI'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(2) when she was found on school property under the influence of and in possession of controlled substances.

4. There is clear and convincing evidence that the Educator committed acts of unprofessional conduct pursuant to WAC 181-86-170.

5. 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.

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AGREED ORDER OF SUSPENSION

REINSTATEMENT of Nicole Jones’s education certificate, in addition to any mandatory continuing education, shall require:

- (1) The Educator will obtain a substance abuse evaluation from an evaluator mutually agreed upon by the Educator and OPP;
- (2) If the substance abuse evaluation recommends treatment, the Educator will successfully complete an alcohol/substance abuse treatment program in a program mutually agreed upon by the Educator and OPP;
- (3) The Educator will provide written consent for OPP to release documents to the provider for purposes of completing the evaluation;
- (4) The Educator will provide OPP with evidence of her successful completion of or continued compliance in her treatment program;
- (5) If requested, the Educator will sign consent forms authorizing OPP to have access to all records pertaining to her treatment and to discuss any and all treatment undertaken with the providers administering treatment;
- (6) The Educator must submit a new application, including a Character and Fitness Supplement, provided by OPP;
- (7) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP);
- (8) 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; and
- (9) The Educator shall assume all costs of complying with the requirements of this Order.

DATED this 14th day of August, 2018.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington

Stipulated to and approved
For entry:

Signed: Dierk Meierbachtol
Chief Legal Officer

Signed: Nicole Jones, Respondent, per email
approval, DMW

Signed: Doug Wartelle, Attorney for Respondent
WSBA #25267

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