



SUPERINTENDENT OF PUBLIC INSTRUCTION

RANDY I. DORN 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. D13-02-072
)	
Erica Murphy Bennett)	FINAL ORDER
Certificate No. 401322C)	OF SUSPENSION
)	

COMES NOW the Office of Superintendent of Public Instruction (OSPI), 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 suspend the Washington Education Certificate No. 401322C, of Erica Murphy Bennett for twelve (12) months based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Erica Murphy Bennett was issued a Washington Education Certificate, No. 401322C, on August 19, 2002. That certificate currently remains valid.

2. Erica Murphy Bennett was employed by the Clover Park School District.

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ERICA BENNETT
FINAL ORDER OF SUSPENSION



3. On November 14, 2013, the Office of Professional Practices, within OSPI, received a complaint letter from Deborah LeBeau, 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) 181-87, by Erica Murphy Bennett.

4. Erica Murphy was employed as a kindergarten teacher at Beachwood Elementary School.

5. On November 2, 2012, Erica Murphy Bennett was under the influence of alcohol during the school day. Meghan Eakin, Beachwood Elementary School Principal, reported to the Clover Park School District administration that she and other staff members noted that Erica Murphy Bennett was displaying unusual/erratic behavior and there was an odor of intoxicants on her breath.

6. Ms. Eakin directed Erica Murphy Bennett to wait in the school office and not leave the school on her own. At approximately 1:30 p.m., Erica Murphy Bennett violated the directive from her principal and left the school grounds before administrative staff could arrive to administer the Breath Alcohol Tester (BAT).

7. On November 6, 2012, Executive Director for Human Resources Lori McStay issued a Letter of Reprimand to Erica Murphy Bennett for being under the influence of alcohol and/other substances during the school day and leaving the school building during regular hours. The letter

offered Erica Murphy Bennett the opportunity to seek assistance regarding alcohol and/or other substance abuse at the district's expense. Erica Murphy Bennett did not follow up on this option.

8. On October 21, 2013, Ms. Eakin met with Erica Murphy Bennett regarding the number of parents requesting their students be transferred out of her class due to the lack of instruction and lack of communication.

9. On November 1, 2013, Erica Murphy Bennett was under the influence of alcohol during the school day. At approximately 8:00 a.m., Ms. Eakin was performing a routine observation of Erica Murphy Bennett's classroom and became concerned with her unusual behavior. Ms. Eakin reported to the Clover Park School District Human Resources staff that Erica Murphy Bennett appeared to be under the influence of alcohol.

10. On November 1, 2013, Erica Murphy Bennett was escorted to U.S. Healthworks to submit to a BAT and urinalysis (UA). Erica Murphy Bennett's BAT registered at .111 at 1:30 p.m. and .110 at 1:45 p.m.

11. On November 1, 2013, Erica Murphy Bennett was placed on administrative leave.

12. On November 4, 2013, the Clover Park School District administration received the results of the urinalysis conducted on November 1, 2013. The results indicated that the testing was inconclusive due to signs of dilution and recommended re-collection.

13. On November 5, 2013, Erica Murphy Bennett did not respond to the original Loudermill meeting request nor did she attend the meeting. The meeting was rescheduled.

14. On November 7, 2013, during the Loudermill meeting, a copy of an alcohol assessment, that was completed by Erica Murphy Bennett on November 6, 2013, was presented. That evaluation indicated alcohol dependency and listed recommendations of follow-up treatment.

15. On November 18, 2013, Erica Murphy Bennett received a Probable Cause for Termination letter from Deborah LeBeau, Clover Park School District Superintendent. Erica Murphy Bennett appealed that decision.

16. On February 19, 2014, Erica Murphy Bennett entered into a Settlement Agreement with the Clover Park School District in which she agreed to resign her position effective August 31, 2014. Erica Murphy Bennett remained on a leave of absence until that date.

17. On October 14, 2014, OPP sent correspondence to Erica Murphy Bennett to provide her an opportunity to respond to the allegations. As of November 5, 2014, Erica Murphy Bennett has not responded to OPP's requests for contact.

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

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CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Erica Murphy Bennett and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate No. 401322C, of Erica Murphy Bennett, should be suspended for unprofessional conduct and/or lack of good moral character or personal fitness. RCW 28A.410.090, WAC 181-86-070, WAC 181-87-055(1), WAC 181-86-013; WAC 181-86-014.

ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 401322C, of Erica Murphy Bennett be suspended for twelve (12) months.

REINSTATEMENT will require: (1) successful completion of, or continued compliance in an alcohol treatment program which is mutually agreed upon between Erica Murphy Bennett and OPP; (2) that Erica Murphy Bennett provide written consent for OPP to release documents to the provider for purposes of completing the evaluation; (3) that Erica Murphy Bennett will provide OPP with evidence of his/her successful completion of or continued compliance in her treatment program and; (4) if requested, Erica Murphy Bennett 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. The cost of conformance to all reinstatement requirements will be the responsibility of Erica Murphy Bennett.

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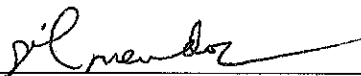
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AND Reinstatement shall (also) require: (1) submission of a new application, including Character and Fitness Supplement, provided by OPP and having Erica Murphy Bennett's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP); and (2) that if Erica Murphy Bennett's education certificate expires during the period of suspension, Erica Murphy Bennett will show that he meets all academic requirements for renewal/reinstatement of the education certificate. Reinstatement shall also be contingent upon Erica Murphy Bennett's fingerprint background check returning with no criminal convictions, occurring after date of Order: (1) that are listed in WAC 181-86-013 and RCW 28A.410.090; (2) no criminal convictions involving alcohol or controlled substances; and (3) and no felony convictions.

DATED This 13 day of January, 2015.

RANDY I. DORN
Superintendent of Public Instruction
State of Washington



Gil Mendoza, Ed. D
Deputy Superintendent
K-12 Education