



# 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. D10-07-046
	)	
NOLY ACOB	)	FINAL ORDER
Certificate No. 366924F	)	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. 366924F, of Noly Acob for twelve (12) months based on the Findings of Fact and Conclusions of Law set forth below:

### FINDINGS OF FACT

1. Noly Acob was issued a Washington Education Certificate, No. 366924F, on July 7, 1999. That certificate currently remains valid.
2. Noly Acob was employed by the Yakima School District.
3. On July 30, 2010, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Yakima 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 Noly Acob.



4. On May 5, 2000, while employed by the Toppenish School District, Noly Acob was notified of complaints by high school age female track athletes that were based on significant instances of inappropriate comments made to them by Noly Acob. Noly Acob was asked by John Piper, Toppenish School District Athletic Director, to vacate, with pay, his coaching position.

5 On October 18, 2000, while employed at Toppenish School District, Noly Acob received a letter from John Piper, Toppenish School District Athletic Director, regarding inappropriate coaching behavior by demonstrating explosive behaviors, making berating comments to the girls coached and having an insensitive nature toward the needs of this group of athletes.

6. On October 10, 2005, Noly Acob, while employed by the Yakima School District, attended the district sponsored in-service training 'Recognizing and Reporting Child Abuse and Sexual Misconduct in our Schools', a risk management in-service provided by Canfield and Associates. Part of this training discussed how educators should act to maintain proper interactions with students.

7. From the 2005-2006 school year through the 2009-2010 school year, Noly Acob made unwelcome comments to female staff members including compliments on their personal appearances. Noly Acob made comments to staff member regarding female students' personal appearances and personal attributes. Staff members also overheard comments made by Noly Acob directly to students regarding their personal appearance.

8. During the 2005-2006 school year, while employed at Franklin Middle School, Noly Acob approached G.M., a female middle school student who was not a student in his class, to encourage her to enter a literacy contest and offered to tutor her in spelling.

9. During the month of November, 2005, Anne Mathews, a fellow teacher of Noly Acob observed interactions with Noly Acob and G.M. and discussed her concerns with her union representative.

10. On November 28, 2005, Ms. Mathews spoke with Noly Acob and expressed her concerns that G.M. may have a crush on him and cautioned him to be careful. Noly Acob continued to allow G.M. to be in his classroom after school hours and on December 7, 2005, Ms. Mathews overheard Noly Acob inviting G.M. to attend a basketball game he was coaching after school.

11. On December 12, 2005, G.M. was in Noly Acob's classroom after school. William (Bill) Hilton, Principal, Franklin Middle School removed G.M. from Noly Acob's classroom and told her to go home. G.M. returned to the classroom and was removed by another staff member and again told to go home. G.M. was seen going up the back stairs to return to the classroom a third time and an administrator again told her to go home. At no time did Noly Acob discourage G.M. from coming back to his classroom. Mr. Hilton discussed rumors and perceptions with Noly Acob. Mr. Hilton told Noly Acob that G.M. may have 'google eyes' for him and Noly Acob told Mr. Hilton he had noticed that and was going to bring it to his attention today and then said that he needed help keeping the student from coming to his room.

12. On December 13, 2005, Noly Acob received a letter from Mr. Hilton, Principal with specific directives regarding meeting with students one-on-one:

- You are not to have one-on-one contact with the student that was in your room December 12, 2005 on three (3) occasions between 1:30 and 2:30 p.m. The student has been advised that she is not to go to your classroom as she is not a student in any of your classes.
- You are not to question, intimidate or retaliate toward student that was in your classroom December 12, 2005 between 1:30 p.m. and 2:30 p.m.
- You are not to meet with any female students in a one-on-one situation before or after school who are not students in your classroom.
- Until notified otherwise, you shall not have any one-on-one meetings with female students in your classroom before or after class or outside the normal student day, without first advising me of the meeting and its purpose.
- If you have any female students who attempt to meet with you in a one-on-one basis outside the student day, you are to politely ask the student to leave and report to me immediately.

13. On March 6, 2006, Mr. Hilton had a conversation with Noly Acob regarding three issues involving a female middle school student, E.G.:

- Playing basketball with a female student during open gym time in the corner of the gym.
- Teasing of the student by her peers of being "Mr. Acob's girlfriend."
- Calling the classroom while absent and then asking for the stated student.

14. On March 22, 2006, Mr. Hilton had a conversation with Noly Acob regarding Mr. Acob sitting with E.G. at a basketball game at an opposing school.

15. On March 23, 2006, Noly Acob wrote a letter of rebuttal to Mr. Hilton regarding the meetings on March 6, 2006 and March 22, 2006 regarding rumors and his interactions with E.G.

16. On April 01, 2006, Mr. Hilton wrote a letter to Noly Acob as a follow-up to previous meetings of March 6, March 22 and March 23, 2006. Mr. Hilton indicated that there was no discipline but the directives stay in place.

17. On December 11, 2006, Noly Acob attended the Yakima School District provided Sexual Harassment training.

18. On December 13, 2006, Noly Acob submitted an application for a coaching position with the Yakima School District. Noly Acob did not list his previous coaching experience with Toppenish School District on that application. When asked why he did not list that coaching experience, Noly Acob stated to OPP that he had an unstable relationship with the athletic director there. He felt he didn't like him.

19. During the 2006-2007 school year, Noly Acob coordinated a 21<sup>st</sup> Century activity to take students on a golfing trip. Field trip procedures were not followed, students did not have the appropriate permission slips and only female students signed up for the activity.

20. On September 21, 2007, a letter of follow up was written to Noly Acob from Mr. Hilton regarding the 21<sup>st</sup> Century activity in which field trip procedures were not followed and students did not have the appropriate permission slips and revisited the directives set in place regarding one-on-one meetings with female students.

21. On October 30, 2007, Noly Acob attended the Yakima School District provided Harassment training.

22. During the 2008-2009 school year and 2009-2010 school year, Noly Acob made inappropriate comments to a female staff member regarding her middle school age daughter's physical appearance and development. The female staff member complained to Mr. Hilton regarding the comments.

23. During the 2008-2009 school year, Noly Acob engaged in unwelcome conduct toward A.G., an eighth grade female student in his classroom. Noly Acob would give compliments to A.G. on her appearance and inquire about her personal relationships.

24. In April, 2009, Noly Acob attended the wedding of A.G.'s sister after telling A.G. that he wanted to attend and soliciting an invitation to the wedding through A.G. At the wedding, Noly Acob approached A.G., complimented her on her appearance, hugged her and kissed her on the forehead.

25. During the 2008-2009 school year, Noly Acob asked J.B., a female student and several other students in the class for their phone numbers so he could stay in contact with them when they went on to high school.

26. On July 9, 2009, Noly Acob gave former student J.B., a religious witness card with a personal note inside that included, but was not limited to compliments her on her personal appearance and encouragement for her to contact him.

27. In July, 2009, Noly Acob contacted former student J.B. on her personal cell phone and left her a message wishing her a happy birthday.

28. During the 2009-2010 school year, Noly Acob contacted a former female student, A.G., at the time a high school student, at her home indicating it was to discuss her grades he had viewed through the school grading system. Noly Acob inquired of A.G.'s Quinceañera, a cultural celebration of her 15<sup>th</sup> birthday and when told she was only having a sweet 16 party, Noly Acob asked to be invited to her sweet 16 birthday party. During this conversation, Noly Acob inquired of J.B. and asked A.G. to tell her he said hi. Noly Acob did not contact A.G.'s parent prior to the conversation.

29. On December 18, 2009, Noly Acob received a letter from Mr. Hilton to follow up and summarize the discussion regarding Noly Acob's interactions with a female staff member.

30. On January 27, 2010, Noly Acob was placed on administrative leave, with pay.

31. On February 9, 2010, Noly Acob was informed of the extension of the administrative leave, with pay and the allegations against him.

32. On February 24, 2010, Noly Acob was again informed of the extension of the administrative leave, with pay and additional allegations against him.

33. On March 10, 2010, Noly Acob participated in an investigative meeting with Steve Cole, Assistant Superintendent of Human Resources, Vicki Dwight, YEA President, Mike Horner, Midstate Rep., and Rick Kaiser, Investigator. This meeting included a question and answer session conducted by Rick Kaiser.

34. On May 20, 2010, Timothy Kahn, M.S.W., Certified Sex Offender Treatment Provider, Licensed Mental Health Counselor, Licensed Clinical Independent Social Worker, provided the Yakima School District with a report of his impressions about Mr. Acob's behavior involving his students and co-workers. Timothy Kahn reviewed materials provided to him by the Yakima School district but did not meet with Noly Acob prior to providing the report. However, Timothy Kahn, M.S.W., summarized that Mr. Acob has demonstrated a pattern of boundary violations and inappropriate behavior. Timothy Kahn indicated that it is his professional opinion that the pattern of behavior Mr. Acob has demonstrated with the 10 female students and 4 female staff members is cause for strong concern and disciplinary action by district administrators. The district would not be at all unreasonable to restrict Mr. Acob from having unsupervised access with minor females.

35. On June 9, 2010, Noly Acob resigned his position.



36. On September 7, 2012, Noly Acob participated in an interview with an OPP investigator. Noly Acob returned the signed statement on November 7, 2012.

37. On September 27, 2012, Noly Acob sent a letter via email to the OPP investigator regarding additional information.

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

**CONCLUSIONS OF LAW**

1. OSPI has jurisdiction over Noly Acob and over the subject matter of this action.
  
2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate No. 369924F, of Noly Acob, 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 181-87-050, WAC 181-87-060; WAC 181-86-013; WAC 181-86-014.

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**ORDER**

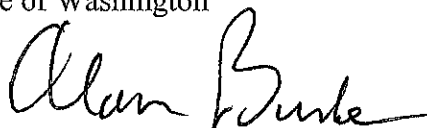
THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 369924F, of Noly Acob be suspended for twelve (12) months.

**REINSTATEMENT** will require: (1) successful completion of a psychological evaluation which validates Noly Acob's ability to have unsupervised access to students in a school environment, by an evaluator mutually agreed upon by the Office of Professional Practices and Noly Acob; (2) that Noly Acob provide written consent for OPP to release documents to the provider for purposes of completing the evaluation; (3) that Noly Acob follows and completes any and all treatment recommended in the evaluation; (4) that Noly Acob will provide OPP with evidence of his successful completion of or continued compliance in his/her treatment program and; (5) if requested, Noly Acob will sign consent forms authorizing OPP to have access to all records pertaining to his 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 Noly Acob.

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

DATED This 17 day of May, 2013.

RANDY I. DORN  
Superintendent of Public Instruction  
State of Washington



Alan Burke, Ed. D  
Deputy Superintendent  
K-12 Education