



# 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. D11-12-065
	)	
Benjamin L Kromholtz	)	FINAL ORDER
Certificate No. 402248R	)	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. 402248R, of Benjamin Kromholtz for twelve (12) months based on the Findings of Fact and Conclusions of Law set forth below:

### FINDINGS OF FACT

1. Benjamin L. Kromholtz was issued a Washington Education Certificate, No. 402248R, on September 4, 2002. That certificate currently remains valid.
2. Benjamin L. Kromholtz was employed by the Northshore School District.
3. On December 01, 2011, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Northshore 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 Benjamin L. Kromholtz.

BENJAMIN KROMHOLTZ  
FINAL ORDER OF SUSPENSION



4. On August 29, 2011 Benjamin L. Kromholtz attended training from Northshores School District on Policies and Procedures 2022 and 2022P, “Electronic Information System (Network)”.

5. During the first part of the 2011-2012 school year, Benjamin L. Kromholtz used Northshore School District computer resources to include, but not limited to; search, access and view websites containing images depicting sexually explicit conduct; transfer images of his and his wife’s genitalia from his personal cell phone to a separate electronic storage device; and review his personal emails during class time.

6. On October 31, 2011, Benjamin L. Kromholtz downloaded a Disney video centered on the theme of Halloween, as part of the music lesson for a class of first grade students. As he was showing the video on the activboard to the students, he was using the mirroring capability of his district issued laptop computer to view his personal emails and Dropbox account. During Benjamin L. Kromholtz’ review of his personal emails and/or Dropbox account, an image of male genitalia was displayed on the activboard that students were watching.

7. On October 31, 2011, Benjamin L. Kromholtz contacted Lew Dickert, Principal of Fernwood Elementary, and reported the incident involving the students observing the male genitalia.

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8. On November 2, 2011, Benjamin L. Kromholtz was placed on paid administrative leave.
9. On November 29, 2011, Benjamin L. Kromholtz signed a settlement agreement and release with the Northshore School District; in which he resigned his position effective the last working day of 2011-2012 contract year.
10. On January 17, 2013, Benjamin L. Kromholtz was interviewed by an OPP investigator.
11. Good moral character and personal fitness is a continuing requirement to maintain a Washington Education Certificate.

#### CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Benjamin L. Kromholtz and over the subject matter of this action.
2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate No. 402248R, of Benjamin L. Kromholtz, 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 181-87-060; WAC 181-86-013; WAC 181-86-014.

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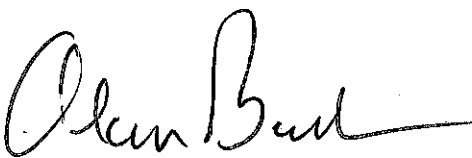
**ORDER**

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 402248R, of Benjamin L. Kromholtz, be suspended for twelve (12) months from the date of entry of this Order.

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

DATED This 12 day of April, 2013.

RANDY I. DORN  
Superintendent of Public Instruction  
State of Washington

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