



# SUPERINTENDENT OF PUBLIC INSTRUCTION

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IN THE MATTER OF THE EDUCATION )  
CERTIFICATE OF )  
VICTOR SCOTT )  
Certificate No. 334522J )

OPP No. D19-03-024  
FINAL ORDER  
OF SUSPENSION

After receiving and investigating a complaint from Auburn 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 VICTOR SCOTT (“Educator”) engaged in acts of unprofessional conduct to include WAC 181-87-060, and does hereby SUSPEND the Educator’s Washington Education Certificate No. 334522J for not less than THREE (3) MONTHS with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

## I. FINDINGS OF FACT

1. On November 8, 1994, the Educator was issued Washington Education Certificate No. 334522J. The Educator’s certificate will expire on June 30, 2023. The Educator was issued a substitute teaching certificate on November 29, 2012. His substitute teaching certificate has no listed expiration date.

2. During the 2018–2019 school year, the Educator was employed by the School District at Lea Hill Elementary School as a long-term substitute librarian.

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VICTOR SCOTT  
FINAL ORDER OF SUSPENSION

3. On March 1, 2019, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint from Alan Spicciati, Ed.D., the Superintendent of the School District, alleging that the Educator has committed unprofessional conduct pursuant to WAC 181-87-060.

4. The Educator behaved unprofessionally with young female students by allowing them to sit on his lap and hug him, speaking to them in “baby talk,” and stroking their hair.

5. The Educator was warned multiple times by various staff members within the School District not to be overly physically affectionate with students.

- a. At Chinook Elementary School, an administrator warned him to not allow fifth-grade female students to be overly affectionate with him.
- b. At Gildo Rey Elementary School, a paraprofessional warned him not to let a specific first-grade female student be overly affectionate with him.
- c. At Lea Hill Elementary School, the library paraprofessional warned him about appropriate physical boundaries with young female students.

6. A first-grade teacher at Lea Hill Elementary School expressed concern to OPP that the Educator was allowing two first-grade female students to be overly physically affectionate with him.

7. On January 25, 2019, the Educator knelt down with two female kindergarten students surrounding him. One of the girls had her arm around his neck and one had her hand on his arm.

8. When the Educator stood up, the library paraprofessional witnessed the Educator had a visible erection.

9. The library paraprofessional stated the Educator abruptly stood up and walked towards his desk.

10. The Educator remembers walking away and standing up in a hurried fashion to get back to his desk; however he does not recall having an erection.

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11. The Educator stated he “didn’t want to prolong the moment” and that the girls were getting “friendly.”

12. When asked by the School District whether it was possible he had an erection, the Educator answered “it is possible.”

13. When asked by the OPP investigator during a sworn interview whether it was possible he had a visible erection following his interaction with the female kindergarteners, the Educator stated that it could have happened but that he didn’t remember.

14. On February 4, 2019, the School District contacted the Educator via telephone and advised him that he would not be able to continue employment with the district.

## 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 181-87-060 when he allowed young female students to be overly affectionate with him, despite multiple warnings not to allow it. In addition, the Educator became visibly sexually aroused when interacting with female kindergarteners.

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4. Pursuant to WAC 181-86-013(3), the Educator has a behavioral problem of being overly physically affectionate with female students and allowing female students to be overly affectionate with him. This behavioral problem endangers the educational welfare and personal safety of students within the educational setting.

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

6. 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.

7. 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 181-86-013(3), and WAC 181-87-060(1), 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.

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### III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate No. 334522J of VICTOR SCOTT is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for at least three (3) MONTHS from the effective date of this ORDER.

**REINSTATEMENT** of Victor Scott's education certificate shall require:

- (1) In addition to any mandatory continuing education, the Educator must successfully complete a MAINTAINING BOUNDARIES course, preapproved by OSPI. The Educator will provide OSPI proof of completion of the course prior to requesting reinstatement;
- (2) The Educator must successfully complete a psychosexual evaluation which validates his/her ability to have unsupervised access to students in a school environment by a licensed psychologist/psychiatrist preapproved by OSPI;
- (3) The Educator shall provide written consent for OPP to release documents to the provider for purposes of completing the evaluation;
- (4) 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 or, if continuing treatment is recommended, provide proof of continued compliance in the program to OPP;
- (5) 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;
- (6) The Educator must submit a new application, including 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 and the Washington State Patrol;
- (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 18<sup>th</sup> day of June, 2019.

CHRIS REYKDAL  
Superintendent of Public Instruction  
State of Washington

  
Dierk Meierbachtol  
Chief Legal Officer

VICTOR SCOTT  
FINAL ORDER OF SUSPENSION