

STATE OF WASHINGTON
OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION
ADMISSIONS AND PROFESSIONAL CONDUCT ADVISORY COMMITTEE

IN THE MATTER OF THE EDUCATION)	
CERTIFICATE OF)	OPP No. D20-06-030
)	
CHARITY HUSSER)	FINAL ORDER
Certificate No. 380869H)	OF SUSPENSION
_____)	

UNDER THE AUTHORITY granted by the laws of the State of Washington, and after reviewing the file in this matter; conducting an informal meeting of counsel for the education practitioner and the Office of Superintendent of Public Instruction (OSPI) with the Admissions and Professional Conduct Advisory Committee (APCAC); considering the evidence, the written submissions, and oral arguments of the parties; and considering the discussion and input provided by the APCAC, the Superintendent of Public Instruction, through his designated Review Officer, Dr. Mark Anderson, enters this Order of Suspension based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Educator was issued Washington Education Certificate No. 380869H on September 28, 2000. The Educator’s certificate will expire on June 30, 2026, and is and was valid at all times relevant to this matter.
2. The Stanwood-Camano School District (District) employed the Educator as a teacher beginning with the 2017-18 school year (SY), and she remained employed by the District through the end of SY 2020-21. The Educator was placed on paid administrative leave during SY 2020-21.
3. The Educator was previously employed by the Marysville School District (Marysville) as a teacher between SY 2000-01 and SY 2016-17.

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4. The District's Policy No. 5253, Maintaining Professional Staff/Student Boundaries, prohibits District staff from "intruding on a student's physical and emotional boundaries unless the intrusion is necessary to serve a demonstrated educational purpose." For purposes of the policy, "[a]n educational purpose is one that relates to the staff member's duties in the district." The policy allows District staff to communicate with students for educational purposes; however, it prohibits District staff "from communicating with students by phone, e-mail, text, instant messenger, or other forms of electronic or written communication" when that "communication is unrelated to schoolwork or other legitimate school business. . . ."
5. The District's Policy No. 5253 is accompanied by Procedure 5253P, which explains that "[a] boundary invasion is an act or omission by a [District] employee that violates professional staff/student boundaries and has the potential to abuse the staff/student relationship," and "[a]n inappropriate boundary invasion means an act, omission, or pattern of such behavior by a [District] employee that does not have an educational purpose and results in abuse of the staff/student professional relationship." If a District employee "become[s] aware of a situation that may constitute a violation of [Policy 5253]," they must promptly notify the appropriate school or district administrator.
6. Procedure 5253P includes a non-exhaustive listing of examples of various types of inappropriate boundary invasions. That listing includes, but is not limited to, "[s]ingling out a particular student for personal attention and friendship beyond the professional staff/student relationship;" "[a]ddressing students or permitting students to address staff with personalized terms of endearment, pet names, or otherwise in an overly familiar manner;" disclosing personal, family, or employment concerns, or other private matters to a student; "[f]or non-guidance/counseling staff, encouraging students to confide their personal or family problems or relationships . . .;" maintaining personal contact with a student outside of school by phone, email, Instant Messenger, or social media without including the student's parent or guardian; exchanging

personal gifts, cards, or letters with an individual student; socializing or spending time with students outside of school sponsored events, such as going shopping or out for food or beverages; or “[g]iving a student a ride alone in a vehicle in a non-emergency situation.”

7. Procedure 5253P identifies four activities that “are boundary invasions and can create an actual impropriety or the appearance of impropriety.” District “staff should avoid these situations,” or, if unavoidable, either first obtain prior approval from the appropriate administrator, or report the activity to the appropriate administrator “as soon as possible.” These activities include, but are not limited to, visiting a student’s home and either inviting or allowing a student to visit the District employee at their place of residence.
8. Marysville had an almost identical policy concerning professional boundaries.
9. The Educator completed boundary invasion training while employed by Marysville in 2011 and 2016, and while employed by the District in August of 2018 and August of 2019.
10. In November of 2019, the District received a complaint from the Parent of Student A that the Educator had engaged in extensive, personal communications with [Student A] by text message, email, and telephone.” “The [P]arent specifically reported that [the Educator] exchanged thousands of text messages [with Student A] over the course of at least two months and that the content of those messages far exceeded the scope of professional communications between District students and staff.”
11. After receiving allegations that the Educator had potentially violated District policy and procedure concerning professional boundaries between District staff and students, the District placed the Educator on paid administrative leave and hired an independent investigator to conduct an investigation into those allegations.
12. The District’s investigator interviewed the Educator, Student A, Student A’s mother, other students, other District staff members, and an employee of Marysville, as well as reviewed emails, text messages, and a note from the Educator to Student A, along with other records.

13. The District determined that the investigator's findings, the records of communication between the Educator and Student A, and other documents established evidence that the Educator had engaged in a pattern of conduct which violated the Policy 5253 and Procedure 5253P.
14. On October 16, 2019, at 12:54 p.m., Student A emailed the Educator about needing to find a nickname for her, "[s]omething that [he] can call [her] that [he] can remember and laugh about . . ." The Educator responded at two minutes later with "I thought my nickname was 'mom'. Why do you need a name for me?"
15. Also on October 16, the Educator and Student A exchanged emails about Student A's relationship with his mother.
16. On October 18, 2019, Student A referred to the Educator as "Mom" in multiple emails. The Educator responded that she was proud of Student A because he called her "Mom" and was responding to her.
17. On October 20, 2019, Student A again referred to the Educator as "Mom" in an email, and the Educator responded that Student A "would be a challenging son."
18. On October 21, 2019, the Educator emailed Student A and offered to take him home.
19. On October 23, 2019, the Educator and Student A exchanged emails about a Starbucks gift card the Educator purchased for his "unbirthday."
20. Also on October 23, Student A informed the Educator that he liked her. The Educator responded that she liked him, too, and asked if he liked MOD pizza.
21. On or about October 28, 2019, Educator A learned Student A had been admitted to Smokey Point Behavioral Hospital for suicidal ideation.
22. Between October 28 and November 4, the Educator emailed Student A daily to let him know he was "loved and cared about;" that she missed him and was "waiting for [his] return;" that she "met his mom and sister and grandmother yesterday [October 31]," "wanted them to know who I was," "got permission to come visit [him]," and hoped to find him in good spirits "and at least

happy to see [her];” that she was worried, “[w]hat if you aren’t happy to see me? What if you are?”

23. The Educator “showed up at” Student A’s mother’s house on October 31, 2019. She asked Student A’s mother how Student A was doing and to ask “if she could go see him.” On either November 1 or 2, 2019, the Educator and Student A’s mother visited Student A at Smokey Point Behavioral Hospital.
24. On November 4, 2019, the School Counselor drafted a Safety Agreement for Student A, and met with Student A, Student A’s parents, the school nurse, the school principal and assistant principal, and the Educator A to discuss Student A’s return to school. As part of the Safety Agreement, Student A identified the Educator, his mother, and friends as “people he could contact if he felt overwhelmed.” Student A also identified the Educator as one of three “‘trusted adults,’ whom he could contact” as part of the Safety Agreement.
25. On November 5, 2019, at 8:11 p.m., the Educator and Student A began texting each other, initiating a series of text exchanges. Over the next fourteen days, the Educator would send Student A more than four thousand text messages. These included messages from the Educator referring to Student A as “my other son,” telling him she loved him “and would do (almost) anything for [him],” referring to herself as Student A’s “fiery Viking mom,” and referring to her daughter as Student A’s sister.
26. The Educator also texted Student A about personal matters, such as her medical history; about Student A’s home life and family; and about the Educator’s desire “to steal [Student A] from [his] house, have a movie day, cooking day, and generally liberate [him] . . .” and meet outside of the school environment, among other topics.
27. Upon Student A’s return from Smokey Point Behavioral Hospital, his parents withheld certain items from him, such as shoelaces, shampoo, and deodorant, based on their concerns for Student A’s safety.

28. The Educator was aware that Student A's parents had withheld certain items, such as shampoo and deodorant, from Student A. Despite that awareness, she bought shampoo and deodorant for Student A and then gave them to him.
29. In text messages sent to Student A, the Educator expressed concerns about the consequences to herself and Student A if Student A's mother found the shampoo and deodorant. The Educator told Student A he would need to bring back the shampoo and deodorant she had bought him.
30. The Educator acknowledged that she was "interfering" and doing so "could end badly," going so far as to tell Student A that if she went "against [his] parents' wishes and they find out, [she] could lose [him]." The Educator informed Student A that the consequences of her actions could result in "school and schedule changes and, 'You are no longer allowed to be around [the Educator]," as well as potentially "jeopardize our current or future relationships."
31. On November 19, 2019, the school principal told the Educator to stop exchanging text messages with Student A
32. On or about November 20, 2019, Student A's parents decided to enter him into an out-of-state residential treatment program. Upon learning of his parents' decision, Student A "said that he wanted to live with [the Educator]" and threatened "to try to crash the car." Later the same day, during a meeting with Student A's parents and the school counselor, the Educator said "she would be willing to have him in her house." During this meeting, after Student A's mother and sister had left the room, the Educator held Student A's hand, called him "love," and gave him a stationary kit containing her personal contact information.
33. The Educator exchanged text messages with Student A's mother on November 21, 2019. The Educator inquired about Student A's situation and whether she could visit him.
34. The school principal emailed the Educator on November 23, 2019. In his email, the school principal directed her to "review district policy and procedure 5253 and 5253P," that her "communication with students should serve an 'educational purpose,'" and to "not continue to

communicate with [Student A] outside of school, please do not use personal devices to communicate with him, and please do not visit him in Portland or anywhere else outside of school.”

35. On November 25, 2019, Student A’s mother called the school principal, then called 911, and drove to Student A’s school for a meeting regarding the thousands of text messages she had found on Student’s phone from the Educator.
36. Later that same day, the Educator was placed on paid administrative leave.
37. On April 17, 2020, the District notified the Educator of its intent to take disciplinary action against her based on the findings of the District’s investigator.
38. On May 13, 2020, the District notified the Educator of its determination that probable cause existed both “to discharge [her] from [her] employment with the [District],” and to not renew her employment contract for the 2020-21 school year.
39. Also on May 13, the District’s superintendent notified OSPI about the Educator’s communications and interactions with Student A and made a complaint that the Educator had “engaged in acts of unprofessional conduct.”
40. The District and the Educator entered into a Settlement Agreement on March 9, 2021. As part of the Settlement Agreement, the Educator tendered her resignation from her position with the District, effective August 30, 2021, and the District placed the Educator on paid administrative leave for the 2020-21 school year.

II. CONCLUSIONS OF LAW

1. The Legislature delegated the authority to develop and enforce regulations determining initial and continuing eligibility for and certification of personnel employed in the common schools of the State of Washington to the Professional Educator Standards Board (PESB). RCW 28A.410.010(1)(a). An educator certificate issued by the PESB under ch. 28A.410 RCW,

- ch. 28A.405 RCW, or rules adopted pursuant to those statutes, may be revoked or suspended if a complaint has been filed alleging that the certificate holder either lacks good moral character or personal fitness, or has engaged in unprofessional conduct, or both. RCW 28A.410.090(1)(a).
2. OSPI acts as the administrator of RCW 28A.410 and regulations adopted pursuant to that chapter. RCW 28A.410.010(2). The PESB has adopted rules concerning acts of unprofessional conduct, ch. 181-87 WAC, pursuant to RCW 28A.410.010 and 28A.410.090.
 3. As the Educator possesses an educator's certificate issued by the PESB, and is alleged to have engaged in unprofessional conduct pursuant to WAC 181-87-060(1), OSPI has jurisdiction over both the Educator and the subject matter of this action.
 4. "In a suspension or revocation proceeding, the [S]uperintendent of [P]ublic [I]nstruction must prove by clear and convincing evidence that the education practitioner...has committed an act of unprofessional conduct." WAC 181-86-170(2). "'Clear and convincing evidence' 'is a quantum of proof that is more than a preponderance of the evidence, but less than what is needed to establish proof beyond a reasonable doubt.'" *State v. T.J.S.-M.*, 192 Wn.2d 450, 463-64, 411 P.3d 1181 (2019) (citation omitted). "Clear and convincing evidence exists 'when the evidence shows the ultimate fact at issue to be highly probable.'" *Capital One Bank (USA), N.A. v. Koplitz*, No. 72764-8-I, 2015 WL 893221, at *3 (Wash. Ct. App. March 2, 2015) (unpublished) (*quoting In re Dependency of K.S.C.*, 137 Wn.2d 918, 925, 976 P.2d 113 (1999)); *see also, In the Matter of the Dependency of A.N.C.*, 24 Wn. App. 2d 408, 414-15, 520 P.3d 500 (2022).
 5. In determining whether a certificated educator's conduct constitutes unprofessional conduct, the OSPI is guided, in part, by WAC 181-87-010, which identifies the three public policy goals of ch. 181-87 WAC. These goals include "protect[ing] the health, safety, and general welfare of students within the [S]tate of Washington," and "assur[ing] the citizens of the [S]tate of Washington that education practitioners are accountable for acts of unprofessional conduct." WAC 181-87-010(1), (2). Additionally, the "OSPI may establish generally recognized

professional standards under WAC 181-87-060 using the testimony of educators, administrators, and others with specific knowledge of the standards observed by the professional education community.” *Len v. Off. of the Superintendent of Pub. Instruction*, No. 45534-0-II, 2015 WL 4094079, at *6 (Wash. Ct. App. July 7, 2015) (unpublished).

6. The OPP has, by clear and convincing evidence, demonstrated that the Educator, while she was employed by the District as a teacher, engaged in acts of unprofessional conduct to include WAC 181-87-060 and 181-87-062 by, among other conduct and behaviors, her unprofessional and improper supervision of Student A; her interference with the relationship between Student A and his parents; providing Student A with items she knew his parents had withheld from him out of concern for his own safety due to his suicidal ideation; maintaining personal contact with Student A via email and text messages for personal reasons not related to school business and not in service of any demonstrated educational purpose in violation of the District’s Policy 5253 and Procedure 5235P, and contrary to the instruction of the school principal; exchanging more than four thousand text messages with Student A over a fourteen day period; and attempting to conceal her interactions with Student A, such as providing him with deodorant, from Student A’s parents and her supervisors.
7. “Before issuing any disciplinary order under [WAC 181-86,] the [S]uperintendent of [P]ublic [I]nstruction or [their] designee shall consider, at a minimum” eleven factors when determining “the appropriate level and range of discipline.” WAC 181-86-080. Those eleven factors are:
 - (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.

WAC 181-8-080.

8. Based on the foregoing findings of fact, the APCAC members were unanimous in both their assessment that the Educator had crossed appropriate professional boundaries and their recommendation that the review officer issue a written decision suspending the Educator's certificate for a period of six months and require that she satisfy the conditions proposed by OPP as a condition of her suspension. In light of the amount of time that had passed between OPP's investigation and the informal meeting in this matter, and lack of explanation as to why the informal meeting in this matter did not occur earlier, the APCAC also unanimously recommended that the review officer waive six months of the recommended suspension period.
9. After having considered the foregoing findings of fact and conclusions of law in light of the eleven disciplinary factors, as required by WAC 181-86-080, and having considered the unanimous recommendation of the APCAC, that the Educator's Washington Education Certificate, no. 380869H, should be suspended for a period of six months for having engaged in acts of unprofessional conduct to include WAC 181-87-060 and 181-87-062, six months of that period should be waived, and the Educator should, as a condition of her suspension, attend and successfully complete a "Maintaining Boundaries" course approved in advance by OSPI; submit to a psychological evaluation; complete a course of treatment, if recommended by her provider; and submit a new application.

III. ORDER

THEREFORE, it is hereby ordered that:

1. The Washington Education Certificate No. 428263H of CHARITY HUSSER is **SUSPENDED** for a period of six months, with six months of that period **WAIVED**; and

2. **REINSTATEMENT** of CHARITY HUSSER’s suspended education certificate shall require that, pursuant to WAC 181-86-070(1)(b), she fulfill the following conditions:
- i. Charity Husser must attend and successfully complete a “Maintaining Boundaries” course preapproved by OSPI;
 - ii. Charity Husser must successfully complete a psychological evaluation, to be conducted by a licensed psychologist or psychiatrist preapproved by OSPI, which validates her ability to have unsupervised access to students in a school environment;
 - iii. Charity Husser must provide written consent to OPP permitting OPP to release documents to the Educator’s provider for the purposes of completing her psychological evaluation;
 - iv. If, as a result of her psychological evaluation, Charity Husser’s psychologist or psychiatrist determines that treatment is recommended, then Charity Husser must complete any and all recommended treatment and then either provide OPP with evidence of successful completion of that treatment, or, if continuing treatment is recommended, provide proof of continued compliance with the course of treatment to OPP for so long as the course of treatment continues;
 - v. Charity Husser must provide written consent allowing the examining psychologist or psychiatrist to provide OPP with a summary of her treatment and the results of her psychological evaluation;
 - vi. Charity Husser must submit a new application, including Character and Fitness Supplement, provided by OPP;
 - vii. Charity Husser must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigation and the Washington State Patrol;
 - viii. Charity Husser’s fingerprint-based criminal background check must return with no criminal convictions, occurring after the date of issuance of a Final Order of Suspension

in this matter, that are listed in WAC 181-86-013, RCW 28A.410.090, or any felony convictions; and

- ix. Charity Husser shall assume all costs of complying with the requirements and conditions of this Final Order.

IV. RIGHT OF APPEAL

This order becomes final thirty calendar days following the date of its postmarked mailing from the section of the Office of Superintendent of Public Instruction responsible for certification of the decision or order unless OSPI actually receives the certificate holder's written notice of appeal during office hours within that thirty calendar day period. WAC 181-86-150(1). A written notice of appeal may be addressed to:

Office of Superintendent of Public Instruction
Legal Affairs Division
PO Box 47200
Olympia, WA 98504

DATED this 30th day of November, 2023.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington



Mark Anderson
Review Officer