



SUPERINTENDENT OF PUBLIC INSTRUCTION

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IN THE MATTER OF THE EDUCATION)	
CERTIFICATE OF)	OPP No. D23-03-023
)	
JOHN SAFFOLD)	FINAL ORDER
Certificate No. 554802R)	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 the Office of Superintendent of Public Instruction (OSPI) with the Admissions and Professional Conduct Advisory Committee (APCAC) and John Saffold (Educator); considering the evidence, written submissions, and oral arguments of the parties; and considering the discussion and advice provided by the APCAC, the Superintendent of Public Instruction, through his designated Review Officer, Dr. Mark Anderson, finds, as described below, that the Educator engaged in acts of unprofessional conduct under WAC 181-87-060(1), and hereby enters this Order of Suspension based on the following Findings of Fact and Conclusions of Law.

I. FINDINGS OF FACT

1. On October 26, 2018, the Educator was issued Washington Education Certificate No. 554802R. On January 30, 2019, the Educator was issued a Substitute Teacher certificate. A Substitute Teacher certificate is valid for the life of the holder. WAC 181-79A-232(5).
2. During the 2022–23 school year, the Educator was employed by the Marysville School District (District) at Legacy High School and Heritage High School as a Student Success teacher.

3. On March 14, 2023, the Office of Professional Practices (OPP) within OSPI received a complaint from Dr. Zac Robbins, the District's Superintendent, alleging the Educator had committed acts of unprofessional conduct pursuant to chapter 181-87 WAC for failing to report a student being involved in an inappropriate sexual relationship with a school staff member.

4. The District's Policy 5253P, Procedure – Maintaining Professional Staff/Student Boundaries, provides that:

All professional school personnel who have reasonable cause to believe that a student has experienced sexual abuse by a staff member, volunteer, or agency personnel working in the school are required to make a report to Child Protective Services or law enforcement pursuant to board policy and procedure 3421, Child Abuse, Neglect and Exploitation Prevention, and Chapter 26.44, RCW. Reporting suspected abuse to the building principal or supervisor does not relieve professional school personnel from their reporting responsibilities and timelines. OPP Ex. 9, p 3.

5. The Educator's school district training transcript shows that between 2019 and 2022, the Educator, while employed by the District, completed at least six trainings on the prohibition against the sexual harassment of students; child abuse, neglect, and exploitation prevention; staff sexual misconduct towards students; and maintaining professional boundaries with students. OPP Ex. 7, pp 1-2.

6. On October 7, 2022, Student A, a minor, told the Educator that he intended to have sex that night with Carmen Phillips, a Heritage High School staff member. Student A said Ms. Phillips had picked him up from work the previous day and then showed the Educator sexually explicit text messages that he implied were from Ms. Phillips.

7. The Educator told Student A to see him the following Monday and let him know how it went.
8. The Educator failed to notify his school's principal, his supervisor, Child Protective Services (CPS), or law enforcement about either Student A's claim that he was going to have sex with Ms. Phillips or the sexually explicit text messages Student A had shown him. Instead, the Educator spoke with Emily Schulenberg, an Office Assistant at Legacy High School.
9. The Educator told Ms. Schulenberg that he was not sure if he should report his conversation with Student A. Ms. Schulenberg told the Educator to make a report. The Educator decided to wait on making a report until he could fact check it, so went home for the weekend.
10. On October 7, 2022, Ms. Phillips engaged in sexual intercourse with Student A.
11. On October 10, 2022, the Educator asked Student A how his weekend went. Student A said he had sex with Ms. Phillips, but that he had heard from another student that Ms. Phillips had hepatitis.
12. Later that same day, the Educator asked Ms. Schulenberg if he could report the incident anonymously. She told him that if he was unsure of what to do, he should call the District office for direction.
13. The Educator did not call the District office for direction.
14. On October 17, 2022, Ms. Schulenberg asked the Educator if he had contacted the District office. He again asked if it was possible to make an anonymous report. Ms. Schulenberg contacted the District office and asked if teachers could make an anonymous report. Dana Worth told her that teachers could not make an anonymous report and a report must be made immediately.
15. Later that same day, the Educator called the District's risk manager and asked what he should do. The school principal also called the Educator into a meeting and told him to make a

report to CPS. The District's security officer contacted the Tulalip Police Department and made a report concerning the allegation of sexual misconduct involving Ms. Phillips.

16. On October 19, 2022, the Educator was interviewed by a detective from the Tulalip Police Department. During the interview, among other comments, the Educator:

- a. Asked if his statement could remain anonymous;
- b. Asked the deputy to tell Student A that he had refused to talk with law enforcement; and,
- c. Said he is considered the "cool teacher" on campus and he didn't want to jeopardize that reputation.

17. On October 19, 2022, the Educator was issued a Letter of Clarification by Au'Yana Lee, principal of Legacy High School, for an outward display of frustration during the District's investigation into his failure to report suspected child abuse.

18. Also on October 19, 2022, Principal Lee issued the Educator a Letter of Clarification for his failure to report suspected child abuse to the proper authorities.

19. On or before October 20, 2022, the Educator showed the two Letters of Clarification to Student A and told him that because the District's human resources office was now involved, he would have to make a report to save his job.

20. Student A agreed to go to the police and make a report, so long as the Educator was also present. During his interview with the police, Student A said Ms. Phillips had picked him up at his home and driven him to school a few times and had picked him up at work and driven him home. He said his relationship with Ms. Phillips had turned physical after school on October 7, 2022.

21. In December 2022, the Educator was placed on administrative leave with pay, pending the result of the District's investigation.

22. On January 4, 2023, Ms. Phillips was charged with Communication with a Minor for Immoral Purposes in the Tulalip Tribal Court. On January 30, 2024, Ms. Phillips was found guilty, by plea, of Communication with a Minor for Immoral Purposes and was sentenced to sixty (60) days in jail.

23. On March 14, 2023, the Educator signed a Settlement Agreement with the District. Per the agreement, the Educator would remain on administrative leave until his resignation effective the end of the 2022–23 school year.

24. On September 12, 2023, the Educator participated in an interview with OPP. During the interview, among other comments, the Educator stated:

- a. Student A was the first student he met after being hired by the District;
- b. He met regularly with Student A, and they had developed a trusting relationship;
- c. On October 7, 2022, after Student A’s disclosures and seeing the text messages, the Educator was unsure if Student A was being truthful; and,
- d. He did not recall Ms. Schulenberg telling him on October 7, 2022, he should contact the District office if he was unsure of what to do;

25. On May 7, 2024, Ms. Phillips was charged with Sexual Misconduct with a Minor 1st Degree in Snohomish County Superior Court. As of the date of this Order, the trial was pending.

II. CONCLUSIONS OF LAW

1. The Legislature has delegated the authority to develop and enforce regulations “determining eligibility for and certification of personnel employed in the common schools of this state,” RCW 28A.410.010(1)(a), as well as rules concerning professional conduct, RCW 28A.410.090(1)(a), to the Professional Educator Standards Board (PESB). An educator certificate issued by the PESB under ch. 28A.410 RCW, ch. 28A.405, or rules adopted pursuant

to those statutes, may be revoked or suspended if the educator is found to have committed an act of unprofessional conduct. RCW 28A.410.090(1)(a). “A reprimand may be issued as an alternative to suspension or revocation of a certificate or permit.” *Id.*

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. Acts of unprofessional conduct may be grounds for a reprimand, suspension, or revocation of an educator certificate. WAC 181-86-065, 181-86-070, and 181-86-075.

3. OSPI acts as the administrator of ch. 28A.410 RCW and the regulations adopted pursuant to that chapter. RCW 28A.410.010(2).

4. As the Educator possesses an educator’s certificate issued by the PESB, OPP Ex. 1, and is alleged to have engaged in unprofessional conduct pursuant to WAC 181-87-050, OSPI has jurisdiction over the Educator and the subject matter of this action.

5. “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.*, 193 Wn.2d 450, 463-64, 441 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.M.F.*, 23 Wn. App. 2d 135, 141, 514 P.3d 755 (2022).

6. In determining whether a certificated educator's conduct constitutes unprofessional conduct, 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, "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).

7. OPP has established by clear and convincing evidence that the Educator committed acts of unprofessional conduct pursuant to WAC 181-87-060(1) through his flagrant disregard and clear abandonment of generally recognized professional standards concerning the supervision of students – specifically, his repeated refusal to report that Student A had been the victim of sexual misconduct by another school employee to the appropriate school officials as required by RCW 28A.400.317, or to either law enforcement or CPS as required by RCW 26.44.030(1)(a), and that he refused to make such a report despite having reasonable cause to believe that a student under his supervision would be and then was the victim of sexual misconduct by another school employee.

8. Despite the Educator's claim that he had reason to be suspicious of Student A's claim that he planned to have sex with Ms. Phillips, Student A showed the Educator the sexually explicit text messages he had received, and the Educator said it seemed to him that they were from someone mature, rather than from a teenager. At the very least, the Educator had reasonable cause to believe

Student A was being groomed by an adult and was the victim of sexual misconduct or abuse, and therefore had grounds to make a report under RCW 26.44.030.

9. Furthermore, if the Educator was truly so suspicious of Student A's claims that he was going to have sex with Ms. Phillips and then had sex with Ms. Phillips, it seems odd that the Educator spent so much time over a period of almost two weeks questioning whether he could make a report anonymously, and would interact with Ms. Schulenberg multiple times about his reporting obligation and the possibility of making an anonymous report. More likely, the Educator's refusal to make a report until more than a week after he first learned of Student A's intent to have sex with Ms. Phillips and saw the sexually explicit texts on Student A's phone, was because, as he told the police, he did not want to jeopardize his reputation as the cool teacher at school. OPP Ex. 10, p 4.

10. "Before issuing any disciplinary order under [ch. 181-86 WAC,] 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 181-86-080.

11. Pursuant to WAC 181-86-070, the Superintendent of Public Instruction may issue a suspension order if a certificated educator “has committed an act of unprofessional conduct . . . but the [S]uperintendent of [P]ublic [I]nstruction has determined that a suspension as applied to the particular education practitioner will probably deter subsequent unprofessional . . . conduct . . . by such education practitioner, and believes the . . . health safety, and general welfare of students . . . is adequately served by a suspension.”

12. Based on the foregoing findings of fact, the APCAC members were unanimous in their assessment that the Educator had engaged in acts of unprofessional conduct, and in their recommendation to the Review Officer that the Educator’s certificate should be suspended for his unprofessional conduct and that, as a condition of his suspension, the Educator must complete a mandatory reporter training approved in advance by OSPI and provide evidence of successful program completion to OPP.

13. The APCAC members recommended that the Review Officer suspend the Educator’s certificate for a period of six months, but waive six months of that period, in light of their concern that the Educator had been unable to work as a certificated educator for a period of time longer than six months due to the time it took for OPP to complete its investigation and bring this matter before the APCAC.

14. After having considered the above 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 certificate be suspended with conditions for a period of six months for having engaged in acts of unprofessional conduct under WAC 181-87-060(1), the Educator’s certificate is hereby suspended for a

period of six months, with six months of that period waived, and the Educator must, as a condition of his suspension, attend and successfully complete a mandatory abuse reporter training approved in advance by OSPI, provide evidence of successfully completing such training to OSPI, and submit a new application.

III. ORDER

THEREFORE, it is hereby ordered that:

1. The Washington Education Certificate No. 554802R of JOHN SAFFOLD is **SUSPENDED** for a period of six months, with six months of that period **WAIVED**; and
2. REINSTATEMENT of JOHN SAFFOLD's suspended education certificate shall require that, pursuant to WAC 181-86-070(1)(b), he fulfill the following conditions:
 - i. John Saffold must attend and successfully complete a mandatory abuse reporter training program approved in advance by OSPI;
 - ii. John Saffold must provide evidence of successfully completing the mandatory abuse reporter training program to OSPI;
 - iii. John Saffold must submit a new application, including Character and Fitness supplement, provided by OSPI;
 - iv. John Saffold must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigation and the Washington State Patrol;
 - v. John Saffold'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
 - vi. John Saffold shall assume all costs of complying with the requirements and conditions of this Final Order.

IV. RIGHT OF APPEAL

This order becomes final thirty (30) 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 the thirty (30) calendar day period.

WAC 181-86-150(1). A written notice of appeal may be addressed to:

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

DATED this 29th day of May 2025.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington



Dr. Mark Anderson
Review Officer