



SUPERINTENDENT OF PUBLIC INSTRUCTION

Chris Reykdal Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

IN THE MATTER OF THE EDUCATION
CERTIFICATE OF

MICHAEL NEWMAN
Certificate No. 457767B

OPP No. D22-12-067

FINAL ORDER
OF SUSPENSION

After receiving and investigating a complaint from Puyallup 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 MICHAEL NEWMAN (“Educator”) engaged in acts of unprofessional conduct to include Revised Code of Washington (“RCW”) 28A.410.090(5) and Washington Administrative Code (“WAC”) 181-87-060, and does hereby SUSPEND the Educator’s Washington Education Certificate No. 457767B for not less than ninety (90) days with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On September 9, 2008, the Educator was issued Washington Education Certificate No. 457767B. The Educator’s certificate will expire on June 30, 2027.
2. During the 2021–2022 school year, the Educator was employed by the School District at Waller Road Elementary School as a 2nd grade teacher.

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3. On November 7, 2022, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint from John Polm, the Superintendent of the School District, alleging the Educator committed unprofessional conduct pursuant to WAC 181-87 for inappropriate use of school district computer resources.

4. On or about January 24, 2022, the Educator began medical leave. The district-approved leave of absence extended through the remainder of the 2021–2022 school year.

5. On dates between February 1, 2022, through May 31, 2022, the Educator used School District computer equipment to access and view images depicting persons engaged in sexually explicit conduct.

6. On June 30, 2022, the Educator submitted his resignation to the School District.

7. On July 11, 2022, the Educator was sent a letter advising his resignation had been accepted and instructing him to return any School District equipment.

8. On October 25, 2022, the Educator brought his School District-issued computer to the District administration building. After providing the computer equipment to District personnel, the Educator insisted on the computer drive being erased at that time and in his presence.

9. During the OPP investigation, the Educator was offered an opportunity to respond to the allegations of misconduct. The Educator did not provide a response.

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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 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 RCW 28A.410.090(5) and WAC 181-87-060 for using school district equipment to access and view images depicting sexually explicit conduct.

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

5. 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.

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6. Based on the foregoing facts and considering them in light of the eleven factors enumerated in WAC 181-86-080, and in light of RCW 28A.410.090, WAC 181-86-070, WAC 181-87-060, the Educator's education certificate should be suspended for unprofessional conduct.

III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate No. 457767B of MICHAEL NEWMAN is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for at least 90 days from the effective date of this ORDER.

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REINSTATEMENT of Michael Newman's education certificate shall require:

- (1) The Educator must submit a new application, including Character and Fitness Supplement, provided by OPP;
- (2) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigation and the Washington State Patrol;
- (3) 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
- (4) The Educator shall assume all costs of complying with the requirements of this Order.

DATED this 13th day of September, 2023.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington

Signed: Matthew A. Schultz
Chief Legal and Civil Rights Officer