



# 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 )

OPP No. D21-01-002

ETHAN WHITNEY )  
Certificate No. 534451J )

AGREED ORDER  
OF SUSPENSION

After receiving and investigating a complaint from Moses Lake School District (“School District”) regarding the above referenced educator, and based upon the facts available as of the date of this Agreed Order, the Superintendent of Public Instruction, through his undersigned designee, does hereby stipulate, by and between, the Office of Superintendent of Public Instruction, the Office of Professional Practices and ETHAN WHITNEY (“Educator”) that ETHAN WHITNEY engaged in acts of unprofessional conduct to include WAC 181-87-060 and that the Educator’s Washington Education Certificate No. 534451J shall be SUSPENDED for not less than 45 days with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

## I. FINDINGS OF FACT

1. On July 17, 2018, the Educator, was issued Washington Education Certificate No. 534451J. The Educator’s certificate is a First Issue Residency certificate; which is valid for the first three years of full-time employment and has no expiration date.

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2. During the 2018–2019, 2019–2020 and 2020–2021 school years, the Educator was employed by the School District at Moses Lake High School as an history teacher. The Educator had positive evaluations and no disciplinary record during that time period.

3. On January 5, 2021, the Office of Professional Practices (“OPP”) within the Office of Superintendent of Public Instruction (“OSPI”) received a complaint from Dr. Joshua Meeks, the Superintendent of the School District, alleging that the Educator has committed unprofessional conduct pursuant to WAC 181-87 for inappropriate electronic communications with a student.

4. In March of 2020, the Educator was asked to assist Student A, a 16 year old Moses Lake High School student, with an AP level class.

5. In March 2020, shortly after the Educator was asked to assist Student A, schools were closed to in-person attendance due to the COVID-19 pandemic. As result, educators in the Moses Lake School District continued to work remotely for the remainder of the school year. This required Educator to perform all class instruction and student communication electronically via ZOOM or other electronic communication platforms while isolated alone at his home. Moses Lake School District did not provide any form of corresponding professional training to help its educators identify new student boundary concerns created by transitioning its educators to a fully remote working environment during the lockdown.

6. Beginning in May 2020, the Educator engaged in electronic communications with Student A outside of school hours, and during some communications, the Educator was under the influence of alcohol while at home.

7. Some electronic communications with Student A were of an informal, peer-like nature and occasionally included adult-themed humor that did not serve an educational purpose.

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8. Moses Lake School District remained in remote instruction during the 2020-21 school year. Inappropriate electronic communications with Student A continued through October 2020. There are no allegations of any sexual conduct, interest, or physical contact between the Educator and Student A. The professional misconduct only relates to inappropriate topics and timing of electronic communications which occurred during the remote instruction phase of the COVID 19 lockdown.
9. On December 10, 2020, the Educator was placed on administrative leave.
10. On January 14, 2021, the Educator resigned from his provisional contract of employment; effective March 3, 2021.

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

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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.

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 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 and agreed that the Washington Education Certificate, No. 534451J of ETHAN WHITNEY is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for at least 45 days from the effective date of this ORDER.

**REINSTATEMENT** of ETHAN WHITNEY's education certificate shall require:

- (1) The Educator must successfully complete a **SUBSTANCE ABUSE EVALUATION** by a licensed substance abuse evaluation/treatment provider preapproved by OSPI; or
  - a. Provide to OPP an already completed evaluation;
- (2) The Educator shall sign a consent allowing the examining substance abuse evaluation/treatment provider to provide OPP a summary of the Educator's treatment recommendations, if any, and the results of his evaluation;

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- (3) 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;
- (4) 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;
- (5) The Educator must submit a new application, including Character and Fitness Supplement, provided by OPP;
- (6) The Educator must complete a fingerprint-based criminal background check through both the Federal Bureau of Investigations and the Washington State Patrol;
- (7) 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
- (8) The Educator shall assume all costs of complying with the requirements of this Order.

#### WAIVER OF RIGHT TO APPEAL

*The Educator is aware that RCW 28A.410.090(3) and WAC 181-86-140 afford him/her the right to appeal a denial or discipline order issued by OSPI. Acknowledging this, the Educator knowingly and voluntarily waives his/her right to appeal by entering into this Agreed Order of Suspension.*

DATED this 3rd day of July, 2023

CHRIS REYKDAL  
Superintendent of Public Instruction  
State of Washington

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

Stipulated to and approved  
For entry:

Signed: Ethan Whitney, Respondent

Signed: Jamie Mathey, Attorney for Respondent  
WSBA # 28638

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