



SUPERINTENDENT OF PUBLIC INSTRUCTION

RANDY I. DORN 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. D10-02-007
)	
)	AGREED ORDER
Samantha James)	OF SUSPENSION
Certificate No. 369333J)	
)	

COMES NOW the Office of Superintendent of Public Instruction, under the authority granted by the laws of the state of Washington, having reviewed the file of the above-referenced case, and having considered the entire evidence contained therein, does hereby stipulate by and between the Office of Professional Practices (OPP), Office of Superintendent of Public Instruction (OSPI), and Samantha James, that the Washington Education Certificate, No. 369333J, of Samantha James, shall be suspended, based on the Findings of Fact and Conclusions of Law set forth below:

FINDING OF FACTS

1. Samantha James was issued a Washington Education Certificate, No. 369333J, on June 7, 1999. That certificate expired on June 30, 2011. The actions described in the Findings of Fact occurred while Washington Education Certificate No. 369333J was valid.

2. Samantha James was employed by the Bellingham Public Schools.

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SAMANTHA JAMES
AGREED ORDER OF SUSPENSION



3. On February 3, 2010, the Office of Professional Practices, within OSPI, received a complaint letter from the acting superintendent of the Bellingham Public Schools alleging a lack of good moral character or personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87, by Samantha James.

4. Samantha James was a school counselor at Kulshan Middle School in the Bellingham Public Schools.

5. During the 2007-2008 school year, Byron Gerard, Kulshan Middle School Assistant Principal, spoke with Samantha James, on two (2) occasions, about a concern of the odor of intoxicants upon her breath. Samantha James denied consuming intoxicants and said the odor was caused by cough drops.

6. During the 2008-2009 school year, Jeannie Hayden, Kulshan Middle School Principal, observed behaviors by and odors on the person of Samantha James that led to concerns about the use of intoxicants by Samantha James.

7. During the 2008-2009 school year, Bellingham Public School employees made comments to Ms. Hayden about concerns of Samantha James drinking alcohol.

8. During the 2008-2009 school year, Samantha James exhibited a pattern of arriving to school late, leaving school prior to the end of normal school hours, and taking a large amount of personal and sick leave.

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9. At the beginning of the 2009-2010 school year, up to November 23, 2009, Samantha James exhibited a pattern of the odor of intoxicants on her person, leaving school prior to the end of regular school hours, arriving to school late, and excessive absences.

10. In the beginning of the 2009-2010 school year, Kulshan Middle School staff expressed concerns to Ms. Hayden about Samantha James drinking alcohol.

11. On November 23, 2009, Nora Klewiada, Bellingham Public Schools Executive Director of Human Resources, and Ms. Hayden held a meeting with Samantha James. Ms. Klewiada advised Samantha James that there were job performance concerns of: excessive absenteeism; excessive tardiness to school or leaving early; leaving the workplace; extended breaks; erratic work pattern(s); and the odor of alcohol on her person at school. Samantha James was issued a mandatory referral to the Employee Assistance Program (EAP) at PeaceHealth.

12. Samantha James attended a meeting with Dr. Vince Foster at the PeaceHealth EAP on November 24, 2009.

13. On November 24, 2009 Nora Klewaida spoke with Dr. Foster about Samantha James. Dr. Foster, among other comments, advised that Samantha James had informed him that she had been in treatment for alcoholism previously, she has relapsed, she drank alcoholic beverages the night of November 23, 2009, and she must complete a detoxification program.

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14. On December 2, 2009, Dr. Foster submitted his evaluation and treatment recommendation for Samantha James to the Bellingham Public Schools.

15. On December 15, 2009, Mrs. Hayden thought she observed the odor of intoxicants upon Samantha James' breath mid-morning at school. Later in the day, two other teachers reported a concerning interaction with Samantha James in front of students to Mrs. Hayden.

16. On December 15, 2009, at approximately 3:40 PM, Mrs. Hayden observed Samantha James interacting with the parent of a student. Ms. Hayden observed an obvious odor of intoxicants in the area of Samantha James. A third teacher later reported smelling the odor of alcohol on Samantha James' breath.

17. Samantha James was transported by to Whatcom Occupational Health for a test of her breath to determine blood alcohol content by Michelle Abernathy, Kulshan Middle School Assistant Principal. At Whatcom Occupational Health, a breath test was conducted on Samantha James and the results returned with readings of .171 and .167 blood alcohol level.

18. Samantha James was on a previously approved medical leave from December 16, 2009 to December 18, 2009.

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19. On December 17, 2009, Ms. Klewiada received a letter from Dr. Foster regarding Samantha James. In the letter, Dr. Foster stated that Samantha James: had admitted to relapse of her alcoholism since the summer of 2009 after a period of nine (9) months sobriety; that she was diagnosed with alcohol dependency in 2006; has been in in-patient treatment prior; since her relapse has been drinking daily, including in the mornings prior to coming to school; and had made other comments.

20. Samantha James was placed on administrative leave from January 4, 2010 to January 6, 2010.

21. In a letter to the Bellingham Public Schools, Dr. Foster stated that: Samantha James' longest period of sobriety in the last five (5) years has been about 7 months; which she ended prematurely. Dr. Foster recommended intensive out-patient treatment, a prescription for Antabuse, and random breathalyzer submissions.

22. Between January 6, 2010 and January 29, 2010, Samantha James began intensive out-patient treatment.

23. On January 29, 2010, Samantha James signed a Conditional Retention Agreement with the Bellingham Public Schools. As part of the agreement, among other provisions, Samantha James was: to return to Kulshan Middle School on February 2, 2010; to participate in an intensive out-patient treatment program; comply with all terms and conditions of her treatment program; to submit to random alcohol testing; and any violation of the agreement is sufficient cause for nonrenewal of her contract or immediate discharge from employment.

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24. On March 29, 2010, Samantha James signed a Conditional Retention Agreement Addendum with the Bellingham Public Schools.

25. On April 14, 2010, Samantha James was scheduled to assist in the presentation of middle school registration material to a 6th grade class at 8:30 AM. Samantha James was slightly late to the presentation and was unprepared for the presentation. Ms. Hayden was present at this meeting and observed an odor of intoxicants on Samantha James' person. At approximately 9:35 AM, during a car ride to an elementary school with Ms. Abernathy, Ms. Hayden and a male student, Ms. Hayden observed a strong odor of intoxicants on Samantha James' person.

26. On April 14, 2010, at approximately 10:15 AM, Ms. Klewiada and Ms. Hayden met with Samantha James to discuss the odor of intoxicants and that Samantha James would be taken for a blood alcohol test. During the trip to Whatcom Occupational Health for a blood alcohol test, Samantha James said, among other comments, that she would fail the test because the previous day, after a breathalyzer test, she had purchased tequila and drank the tequila throughout the night. Samantha James estimated that the time of her last drink of tequila was around 3:00 AM.

27. At 10:40 AM on April 14, 2010, Samantha James submitted a sample of her breath for a blood alcohol test with a resulting reading of .000 blood alcohol level. Samantha James was placed on administrative leave.

28. On April 18, 2010, Samantha James submitted her resignation from the Bellingham Public Schools, effective April 21, 2010.

29. Good moral character and personal fitness is a continuing requirement to maintain a Washington Education Certificate.

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Samantha James and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate, No. 369333J, of Samantha James, should be suspended as provided for in WAC 181-86-070.

3. Samantha James has violated RCW 28A.410.090, WAC 181-87-055, WAC 181-87-060, WAC 181-86-013, and/or WAC 181-86-014.

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ORDER

OFFICE OF PROFESSIONAL PRACTICES

THEREFORE, it is hereby ordered and agreed that Samantha James' ability to apply for reinstatement, of Washington Education Certificate No. 369333J be suspended for twenty-four (24) months from the date of entry of this Order.

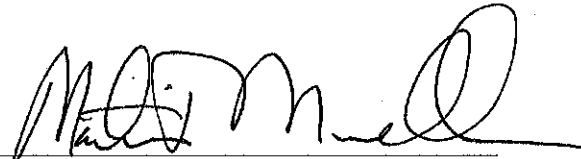
REINSTATEMENT will require: (1) successful completion of an alcohol treatment program which is mutually agreed upon between Samantha James and OPP; (2) that Samantha James provide written consent for OPP to release documents to the provider for purposes of completing the evaluation; (3) that Samantha James will provide OPP with evidence of her successful completion of her treatment program and; (4) if requested, Samantha James will sign consent forms authorizing OPP to have access to all records pertaining to her treatment and to discuss any and all treatment undertaken with the providers administering treatment. The cost of conformance to all reinstatement requirements will be the responsibility of Samantha James.

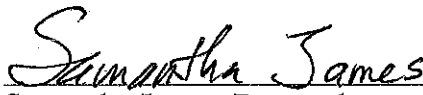
AND/OR Reinstatement shall (also) require submission of a new application, including Character and Fitness Supplement, provided by OPP and having Samantha James' fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP). Reinstatement shall also be contingent upon Samantha James' fingerprint background check returning with no criminal convictions that are listed in WAC 181-86-013, RCW 28A.410.090, any felony convictions, and/or any convictions for offenses involving alcohol or controlled substances.

DATED This 2nd day of August, 2011.

RANDY I. DORN
Superintendent of Public Instruction
State of Washington

Stipulated to and approved
For entry; notice of presentation
waived:

By: 
Martin T. Mueller
Assistant Superintendent
Student Support


Samantha James, Respondent