



SUPERINTENDENT OF PUBLIC INSTRUCTION

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IN THE MATTER OF THE EDUCATION
CERTIFICATE OF

ROBERT McELLIOTT
Certificate No. 296757H

OPP No. D19-03-022

FINAL ORDER
OF SUSPENSION

After receiving and investigating a complaint from Hoquiam 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 ROBERT McELLIOTT (Educator) lacks good moral character and personal fitness, per WAC 181-08-013, and -014, and engaged in acts of unprofessional conduct to include WAC 181-87-060, and does hereby SUSPEND the Educator's Washington Education Certificate No. 296757H for not less than THREE (3) MONTHS with conditions enumerated below, based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On February 12, 1990, the Educator was issued Washington Education Certificate No. 296757H. The Educator's certificate will expire on June 30, 2023.
2. During the 2017–2018 and 2018–2019 school years, the Educator was employed by the School District at Hoquiam Middle School as a Physical Education (PE) teacher.

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3. On February 27, 2019, the Office of Professional Practices (OPP) within the Office of Superintendent of Public Instruction (OSPI) received a complaint from Mike Villarreal, Ed.D., the Superintendent of the School District, alleging the Educator may be personally unfit to be a teacher under WAC 181-86-013(3) for writing threatening notes and posting them around the school building.

4. On or about the morning of February 27, 2018, the Educator wrote “UR ALL Dead TuesdAy” on a whiteboard inside the boys’ locker room at Hoquiam Middle School and wrote “UR DeadMelliot” on his office door.

5. The Educator spoke with a Hoquiam Police Department officer that morning. When asked if he was having difficulties with a student, the Educator stated that he’d recently had an issue with a 6th grade student who had thrown a rock at him and that student had PE during the last period of the day.

6. Prior to students arriving, Hoquiam Middle School was closed to students and staff for safety reasons on February 27, 2018, due to the threats made by the Educator.

7. On or about October 29, 2018, the Educator wrote “Mceliot is dead Monday stay home” on a piece of paper and placed the paper note in Marshall Lentz’s office at Hoquiam Middle School. Mr. Lentz found the note upon entering his office and reported it to Jason Ihde, Hoquiam Middle School Principal.

8. The Educator spoke with a Hoquiam Police Department officer that same day. The Educator, who appeared visibly upset and sick to the officer, said he had not had any problems with a student or parent.

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9. On or about the morning of November 5, 2018, the Educator wrote “Mceliot is dead mon” on the inside portion of a gymnasium door at Hoquiam Middle School. The Educator later reported the note to Austin Doe, District maintenance. Hoquiam Police Department was contacted by Mr. Doe at approximately 7:06 am.
10. The Educator told the responding Hoquiam police officer he had not observed anything unusual prior to leaving school on the prior Friday and that non-school organizations use the gymnasium on weekends.
11. District video security of the inside of the Hoquiam Middle School gymnasium showed the Educator at the gymnasium door at approximately 6:51 am. The image shows the Educator standing at the door for a period of time and, for part of that time, it appears the Educator is writing on the door.
12. On November 5, 2018, the Educator wrote a statement, under penalty of perjury, for Hoquiam Police Department, detailing his actions that morning at the school.
13. On November 6, 2018, the Educator was placed on administrative leave by Dr. Villarreal.
14. On November 14, 2018, the Educator was charged in Hoquiam Municipal Court with Causing an Unnecessary Emergency Response and Making a False or Misleading Statement to a Public Servant. Hoquiam Municipal Court Cause No. 18-000078
15. On February 8, 2019, the Educator signed an Agreement with the District, resigning his employment effective April 25, 2019.
16. On May 7, 2019, a Statement of Defendant on Plea of Guilty was filed in Hoquiam Municipal Court wherein the Educator pleaded guilty to Causing an Unnecessary Emergency Response.
17. On May 7, 2019, the Educator was found guilty, by plea, of Causing an Unnecessary Emergency Response and received a suspended sentence.

18. On December 11, 2019, the Educator participated in an interview with OPP. During the interview, the Educator stated that he had, due to personal issues, “mental instability” that was exacerbated by not being on medication or under care.

19. OPP received a letter from the Educator’s counselor. In the letter, the counselor stated the Educator has/had been under his care. The counselor noted he does not think the Educator is a threat in a school setting.

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 when he intentionally left threatening notes on school grounds on multiple occasions, and when he failed to disclose being the source of those threats.

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

5. The Educator has a behavioral problem which endangers the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting.

6. There is clear and convincing evidence the Educator lacks good moral character and personal fitness as required by WAC 181-86-13, and -14.

7. 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.

8. 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 and/or a behavioral problem which endangers the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting.

III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate No. 296757H of ROBERT McELLIOTT is **SUSPENDED**. The Educator may not request reinstatement of his education certificate for at least THREE (3) MONTHS from the effective date of this ORDER.

REINSTATEMENT of Robert McElliott's education certificate shall require:

- (1) In addition to any mandatory continuing education, the Educator must successfully complete a PSYCHOLOGICAL EVALUATION which validates his ability to have unsupervised access to students in a school environment by a licensed psychologist/psychiatrist preapproved by OSPI;
- (2) The Educator shall provide written consent for OPP to release documents to the provider for purposes of completing the 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) The Educator shall sign a consent allowing the examining psychologist/psychiatrist to provide OPP a summary of the Educator's treatment and the results of his/her evaluation;
- (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 Investigation 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.

DATED this 26th day of August, 2020.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington

Signed: Dierk Meierbachtol
Chief Legal Officer