



# SUPERINTENDENT OF PUBLIC INSTRUCTION

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|                                |   |                    |
|--------------------------------|---|--------------------|
| IN THE MATTER OF THE EDUCATION | ) |                    |
| CERTIFICATE OF                 | ) | OPP No. D12-09-065 |
|                                | ) |                    |
| Dewitt Alvin Harris Jr.        | ) | FINAL ORDER        |
| Certificate No. 375317E        | ) | OF SUSPENSION      |
|                                | ) |                    |

COMES NOW the Office of Superintendent of Public Instruction (OSPI), 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 suspend the Washington Education Certificate No. 375317E, of Dewitt Harris Jr. for six (6) months based on the Findings of Fact and Conclusions of Law set forth below:

### FINDINGS OF FACT

1. Dewitt Harris Jr. was issued a Washington Education Certificate, No. 375317E, on October 31, 2000. That certificate expired on September 14, 2012. The actions described in the following Findings of Fact occurred while Washington Education Certificate No. 375317E was valid.

2. Dewitt Harris Jr. was employed by Seattle Public Schools.

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DEWITT ALVIN HARRIS, JR.  
FINAL ORDER OF SUSPENSION



3. On September 20, 2012, the Office of Professional Practices, within OSPI, received a complaint letter from Jose Banda, Superintendent of Seattle 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 Dewitt Harris Jr.

4. On February 10, 2009, Dewitt Harris Jr. physically restrained a 16-year-old female student, P.S., as she was attempting to leave his classroom. Mr. Harris did not follow proper protocols for notifying security prior to restraining the student and the student reported she was assaulted and had injuries. On February 11, 2009, the Seattle Police Department was notified and began an investigation, Case No. 2009-51195.

5. In March of 2009, Dewitt Harris Jr. was involved in four (4) altercations with students at Franklin High School as documented by Assistant Principal Keith Smith.

6. On April 6, 2009, an assault charge, Seattle Municipal Code (SMC) 12A.06.010 (A), was filed in Municipal Court of Seattle, Case No. 535646, against Dewitt Harris Jr. for the incident that occurred on February 10, 2009. The charge was dismissed on December 4, 2009 without prejudice-proof problems.

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7. On April 27, 2009, Mr. Smith submitted an Investigation Report concerning the altercations with students by Dewitt Harris, Jr. In the summary statement, Mr. Smith stated Dewitt Harris, Jr.: failed to follow school protocols regarding student incidents; that even though Dewitt Harris, Jr. had been S.E.C.U.R.E. trained in de-escalating protocols for special education students, he failed to use the protocols during student incidents; and that during incidents, student behaviors are always escalated by Dewitt Harris, Jr. rather than de-escalated.

8. On January 6, 2011, Dewitt Harris Jr. received notification that he was being placed on probation from January 7, 2011 to April 11, 2011, for unsatisfactory performance and noted deficiencies in Classroom Management, Instructional Skill and Effort Toward Improvement When Needed.

9. On May 4, 2011, the District and Mr. Harris entered into an Agreement and Waiver and Release of Claims in which the District removed Mr. Harris from his probation and placed him on a Revised Plan of Improvement for the remainder of the 2010-2011 school year and for the 2011-2012 school year. As per the Agreement, if Mr. Harris' performance remained unsatisfactory, he agreed to resign his position with the District effective June 30, 2012.

10. On September 21, 2011, Dewitt Harris, Jr. used strong profanity towards R.J., a 14 year old male student, then placed his hands around R.J.'s neck and forcefully pushed him into his seat; Seattle Police Department Case No. 2011-312477.

11. Later on the same day, Mr. Smith asked Dewitt Harris, Jr. how the day had been. Dewitt Harris, Jr. replied that he'd had a good day and failed to inform Mr. Smith about the altercation with R.J.

12. On September 21, 2011, Dewitt Harris Jr. was placed on Administrative Leave with pay effective September 22, 2011.

13. On September 22, 2011, Franklin High School Assistant Principal, Keith Smith, reported the incident of September 21, 2100 to Seattle Police Department; Seattle Police Department Case No. 2011-312477.

14. On September 30, 2011, Dewitt Harris, Jr. attended a Franklin High School football game and had contact with staff, students and parents of Franklin High School in violation of his directives for administrative leave. On October 6, 2011, Dewitt Harris Jr., received a letter for violating the directives in his administrative leave letter.

15. On February 20, 2012, the assault of a student on September 21, 2011 by Dewitt Harris, Jr. was referred to King County Prosecutor for consideration of the crime of Assault of Child in the 3<sup>rd</sup> degree, RCW 9A.36.140; Seattle Police Department Case #2011-312477.

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16. On March 6, 2012, Seattle Police Department was notified, via email, by King County Prosecutor, Carol Spoor, that she was declining the case of an assault of a student on September 21, 2011 and referring it the Seattle Municipal Prosecutor; Seattle Police Department Case #2011-312477.

17. On June 1, 2012, Dewitt Harris Jr. was sent notification of advisement from the Seattle School District of their proposal to the Superintendent of Seattle Schools to terminate Mr. Harris' position as a classroom teacher at Franklin High School.

18. On June 18, 2012, Dewitt Harris Jr. was sent notification that effective June 18, 2012, Interim Superintendent, Susan Enfield, was terminating Mr. Harris' employment with Seattle Public Schools. Dewitt Harris Jr. filed a timely appeal of the Seattle Public Schools probable cause for termination.

19. On August 1, 2012, The City of Seattle charged Dewitt Harris Jr. with one (1) count of Assault against Franklin High School Student R.J., SMC Section 12A.06.010, Case No. 579715, incident number 11-312477.

20. On March 14, 2013, after a trial, jurors returned with a Not Guilty verdict in regards to the Assault on Franklin High School Student R.J., SMC 12A.06.010, Seattle Municipal Court Case No. 579715.

21. On May 17, 2013, after a hearing appealing the Seattle School District termination decision, Hearing Officer, Judge J. Kathleen Learned (Ret.) found the Seattle School District sustained its burden of proof and presented evidence sufficient to support the decision to terminate Mr. Harris' employment.

22. Beginning in September of 2013 through March of 2014, OPP made multiple attempts to contact Dewitt Harris Jr. in order to offer him the opportunity to respond to allegations of misconduct, as per Revised Code of Washington (RCW) 28A.410.090. As of April 28, 2014, Dewitt Harris Jr. has not responded to OPP.

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

### **CONCLUSIONS OF LAW**

1. OSPI has jurisdiction over Dewitt Harris Jr. and over the subject matter of this action.
3. OSPI has shown by clear and convincing evidence that the Washington Education Certificate No. 375317E, of Dewitt Harris Jr., should be suspended for unprofessional conduct and/or lack of good moral character or personal fitness. RCW 28A.410.090, WAC 181-86-070, WAC 181-87-060; WAC 181-86-013; WAC 181-86-014.

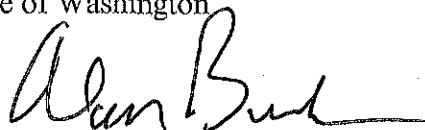
**ORDER**

THEREFORE, it is hereby ordered that Dewitt Harris Jr.'s ability to apply for reinstatement of Washington Education Certificate, No. 375317E be suspended for six (6) months from the date of entry of this order.

Reinstatement shall require: (1) submission of a new application, including Character and Fitness Supplement, provided by OPP and having Dewitt Harris Jr.'s fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP); and (2) Dewitt Harris Jr. will show that he meets all academic requirements for renewal/reinstatement of the education certificate. Reinstatement shall also be contingent upon Dewitt Harris Jr.'s fingerprint background check returning with no criminal convictions that are listed in WAC 181-86-013, RCW 28A.410.090, any felony convictions.

DATED This 2 day of July, 2014.

RANDY I. DORN  
Superintendent of Public Instruction  
State of Washington



Alan Burke, Ed. D  
Deputy Superintendent  
K-12 Education