



SUPERINTENDENT OF PUBLIC INSTRUCTION

DR. TERRY BERGESON 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. D05-01-131
)	
David Baker)	FINAL ORDER
Certificate No. 310302E)	OF REVOCATION
)	

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 revoke the Washington Education Certificate, No. 310302E, of David Baker, based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. David Baker was issued a Washington Education Certificate, No. 310302E, on September 1, 1991. That certificate currently remains valid.
2. David Baker was employed by the Omak School District.
3. On December 2, 2005, the Office of Professional Practices, within OSPI, received a complaint letter 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 David Baker.

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4. During the 1995-1996 school year, [1a] was a 12th grade female student in Mr. Baker's Theater Tech class and a member of Mr. Baker's Drama Club.

5. During the 1995-1996 school year, Mr. Baker: observed [1a] while she was topless during a drama performance; kissed [1a] on the cheek; spent time alone at the Performing Art Center (PAC) with [1a] on weeknights and weekends; gave [1a] a puff off his cigarette; gave her a full frontal hug; gave [1a] a hand drawn piece of artwork as a gift; made inappropriate comments to [1a] transported [1a] in his personal car; and sent numerous notes and letters and e-mails to [1a]

6. [1a] graduated from Omak High School on June 7, 1996.

7. From June 12, 1996 to July 15, 1996, Mr. Baker: consumed alcoholic beverages in [1a]'s presence; told [1a] that he loved her; made inappropriate comments to [1a]; kissed her; groped [1a]'s breasts and genitals; kissed [1a]; exposed himself to [1a]; provided [1a] with alcoholic beverages; and had sexual intercourse with [1a]

8. [1a] turned 18 years old on [1a]

9. In September of 2005, Robert Siderius, attorney for [1a], wrote a letter of complaint to Dr. Richard McBride, Superintendent of Educational Service District #171, regarding Mr. Baker. The letter was to lodge a complaint against Mr. Baker for "engaging in a pattern of sexual abuse

and sexual exploitation of” 1a “when she was a senior in high school and continuing for several years after her graduation”.

10. On September 27, 2005, Mr. Baker was placed on Administrative Leave.

11. On or about October 3, 2005, Mr. Baker received a Formal Complaint from Superintendent Risinger.

12. On November 4, 2005, Mr. Baker provided a statement to the Omak School District addressing why he did not answer questions asked of him in the School District’s investigation.

13. On November 30, 2005, Mr. Baker signed an Agreement and Release with the Omak School District.

14. On November 30, 2005, Mr. Baker resigned his teaching position at the Omak School District.

15. On November 1, 2006, Mr. Baker was interviewed by an OPP investigator. During the interview, Mr. Baker refused to discuss any events that occurred between himself and 1a after she graduated from Omak High School. He stated that he declined to discuss this time frame on the advice of his previous attorney.

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over David Baker and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence, that the Washington Education Certificate, No. 310302E, of David Baker, should be revoked as provided for in WAC 181-86 075.

3. David Baker has violated WAC 181-87-060, WAC 181-87-080, RCW 28A.410.090, WAC 181-86-013 and/or WAC 180-86-014.

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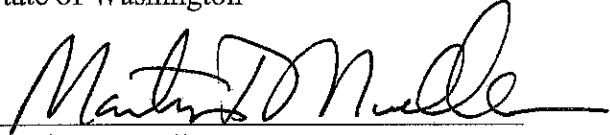
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ORDER

It has been thirty days since the Proposed Order of Revocation was received. The appeal time period has passed. It is hereby ordered that the Washington Education Certificate, No. 310302E, of David Baker is Revoked.

DATED This 12th day of February, 2007.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington



Martin T. Mueller
Assistant Superintendent
Student Support and Operations

Redaction Log

Total Number of Redactions in Document: 23

Redaction Reasons by Page

Page	Reason	Description	Occurrences
2	1a	RCW 42.56.230(1); RCW 42.56.230(2); RCW 42.56.230 (7)(a); RCW 42.56.070(1); 20 U.S.C. § 1232g; 34 CFR §99.3; 34 CFR §99.31. Personal information in any files maintained for students in public schools are exempt from disclosure. Federal law also prohibits disclosure of personally identifiable information from education records without the consent of the student.	21
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Redaction Log

Redaction Reasons by Exemption

Reason	Description	Pages (Count)
1a	RCW 42.56.230(1); RCW 42.56.230(2); RCW 42.56.230 (7)(a); RCW 42.56.070(1); 20 U.S.C. § 1232g; 34 CFR §99.3; 34 CFR §99.31. Personal information in any files maintained for students in public schools are exempt from disclosure. Federal law also prohibits disclosure of personally identifiable information from education records without the consent of the student.	2(21) 3(2)