



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. D04-07-076
Kevin Maib)	
Certificate No. 201674R)	ORDER 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. 201674R, of Kevin Maib, based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Kevin Maib was issued a Washington Education Certificate, No. 201674R, on January 8, 1974. That certificate currently remains valid.
2. Kevin Maib was employed by the Bremerton School District.
3. On July 22, 2004, 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) 180-87, by Kevin Maib.

KEVIN MAIB
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4. On November 4, 1976, Mr. Maib punched a high school age student in the face. Wayne Ball, Principal in the Ridgefield School District, wrote an incident report.
5. Mr. Maib's annual evaluation for the 1976-1977 school year was rated as satisfactory-with reservations. Under Classroom Management, the evaluation states, "Has problems on many occasions, partly because he is flippant and doesn't use his head with regards to things he says".
6. The observation report, for an observation conducted on February 22, 1980, states, "Your comment about the sixth graders alluding to rabbits has absolutely no place in a classroom. There is no justification! I have spoken with you in the past about off the cuff remarks and their effect and needless commotion they cause..."
7. On June 4, 1981, Allan Heritage, Principal in the Ridgefield School District, issued a letter of reprimand to Mr. Maib for an inappropriate comment on a sign-up sheet for band students.
8. On February 24, 1981, Allan Heritage issued a letter of reprimand to Mr. Maib for leaving a student at a bus stop, unattended, during a trip off school grounds.
9. On April 5, 1983, the Ridgefield School District received Mr. Maib's letter of resignation.

10. During the 1985-1986 school year, Mr. Maib was employed with the East Valley School District in Spokane, WA. During a band trip to southern California, Mr. Maib inappropriately touched an 11th grade female student, [1a], while both were seated in a hot tub. The East Valley School District took no disciplinary action with Mr. Maib.

11. During the 1985-1986 school year, Mr. Maib inappropriately massaged [1a]'s shoulders and inappropriately touched her buttocks.

12. Mr. Maib left employment with the East Valley School District in 1988.

13. Mr. Maib was hired by the Bremerton School District on September 1, 1993. As part of his hiring process, he was provided a copy of the Bremerton School District policy manual.

14. In June of 1994, Mr. Maib was placed on a Plan of Improvement by Judi Mackey, Principal of the Bremerton Junior High School. The Plan of Improvement was to be in place until January 15, 1995. An Expected Outcome of the Plan of Improvement was that, "Teacher will not physically touch a student when a discipline issue is being dealt with".

15. Mr. Maib's annual evaluation for the 1993-1994 school year was rated as satisfactory. "Needs Improvement" was marked for criteria areas "Handling of Student Discipline and Attendant Problems" and "Interest in Teaching Pupils".

16. On February 14, 1995, parents of a female junior high school student filed a complaint that Mr. Maib had made sexual comments to their daughter. The complaint was filed with Judi Mackey, Bremerton Junior High School Principal. On February 16, 1995, Mr. Maib was placed on administrative leave during the investigation.

17. On March 9, 1995, Mr. Maib was placed on administrative leave by Ms. Mackey, pending an investigation into allegations of Mr. Maib making sexual references to female students in his class.

18. On March 9, 1995, Mr. Maib received a Formal Reprimand from Judi Mackey for using physical force to remove a female student from a classroom. The reprimand also references a second complaint against Mr. Maib. The second complaint alleged sexual harassment with a female student of Mr. Maib's in December of 1994.

19. Mr. Maib's annual evaluation for the 1997-1998 school year was rated overall as 'Satisfactory'. The evaluation area of Classroom Management was rated as 'Needs Improvement'.

20. From 2001 to April, 2004, Mr. Maib inappropriately touched high school female students, made inappropriate sexually suggestive comments to female high school students and made other inappropriate comments to female high school students.

21. On April 15, 2004, Mr. Maib received a letter from Denise Zaske, Director of Personnel for Bremerton School District. The letter was to present a summary of District investigation and expectations for conduct with students. The letter states that Mr. Maib's actions were "in direct violation of Bremerton School District Policy 6590, Sexual Harassment". Mr. Maib submitted a response to the letter from Ms. Zaske. During the Bremerton School District investigation, prior to and after the criminal proceedings, Mr. Maib denied making inappropriate comments, asking students for hugs, and inappropriately touching female students.

22. On May 5, 2004, [REDACTED], mother of [REDACTED] 1a, a female student at Bremerton High School, contacted Bremerton Police Department and filed a complaint of sexual harassment by Mr. Maib towards [REDACTED] 1a. Bremerton Police Department initiated a criminal investigation.

23. On May 20, 2004, Mr. Maib was placed on administrative leave.

24. On May 25, 2004, Mr. Maib was arrested for the criminal charge of Assault 4th Degree with Sexual Motivation by the Bremerton Police Department.

25. On May 26, 2004, Mr. Maib was charged in the Kitsap County District Court with four counts of Assault 4th Degree with Sexual Motivation. The victims were current and former students of Mr. Maib's at Bremerton High School.

26. On March 29, 2005, one count of Assault 4th Degree was dismissed without prejudice. On April 22, 2005, Mr. Maib was found guilty by a jury of three counts of Assault 4th Degree.

Mr. Maib was sentenced to the following conditions: 365 days jail time imposed with 335 days suspended for each charge, with 30 days to be served concurrently; \$5000 fine with \$4750 suspended for each charge, total fine to be paid of \$750; unsupervised probation for a period of 2 years; and Mr. Maib is to have no contact with minor females, except own children or accompanied with children present and with those listed on attached order.

27. On May 12, 2005, Mr. Maib resigned from the Bremerton School District.

28. On September 26, 2005, Mr. Maib submitted a sworn statement in response to the OPP investigation.

29. The Bremerton School District policy on Sexual Harassment states that sexual harassment may include, but not limited to: making unwelcome, offensive or inappropriate sexually suggestive remarks, comments, gestures, or jokes or remarks of a sexual nature about a person's appearance, gender or conduct; and standing too close, inappropriately touching, cornering or stalking a person.

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Kevin Maib and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence, that the Washington Education Certificate, No. 201674R, of Kevin Maib, should be revoked as provided for in WAC 180-86-075.

3. Kevin Maib has violated WAC 180-87-060, WAC 180-87-080, RCW 28A.410.090, WAC 180-86-013, and WAC 180-86-014.

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ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 201674R, of Kevin Maib be revoked.

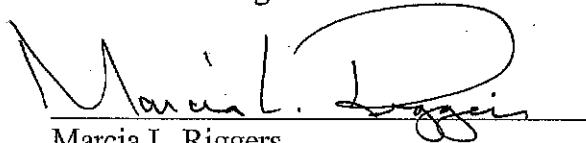
This order will become final thirty days after it is received, unless it is appealed within the thirty day period.

Appeals should be addressed to:

Superintendent of Public Instruction
Office of Professional Practices
PO Box 47200
Olympia, WA 98504

DATED This 31st day of October, 2005.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington



Marcia L. Riggers
Assistant Superintendent
Student Support and Operations

Redaction Log

Total Number of Redactions in Document: 4

Redaction Reasons by Page

Page	Reason	Description	Occurrences
3	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
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Redaction Reasons by Exemption

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