



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. D04-07-075
)	
Anthony Thomas Malm)	ORDER OF PERMANENT
Certificate No. 278771A)	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 permanently revoke the Washington Education Certificate, No. 278771A, of Anthony Thomas Malm, based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Anthony Thomas Malm was issued a Washington Education Certificate, No. 278771A, on August 31, 1987. That certificate currently remains valid.
2. Mr. Malm was employed by the Archdiocese of Seattle, Catholic Schools Department.
3. On July 22, 2004 the Office of Professional Practices (OPP), 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 Mr. Malm.

ANTHONY THOMAS MALM
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4. During the 2003-2004 school year, Mr. Malm kept [1a], a 13 year old female student, in class during recess. Mr. Malm closed the blinds and then pulled [1a] towards himself. Mr. Malm then kissed her on the mouth and hugged her, pressing his erect penis against [1a]. Mr. Malm grabbed and squeezed [1a]'s buttocks and kissed her with an open mouth, touching his tongue to hers. Mr. Malm told [1a] to not tell anyone.

5. During the 2003-2004 school year, Mr. Malm sent [1a] e-mails telling her to come to school during the summer so they could "do it"; that his penis became hard whenever he talked to her about having sex with her; and that he couldn't wait to touch her breasts.

6. During the 2003-2004 school year, Mr. Malm touched [1a] a 13 year old female student, on the buttocks.

7. On June 21, 2004, Mr. Malm was placed on administrative leave from Holy Rosary School.

8. On June 30, 2004, Mr. Malm was arrested by detectives from the Tacoma Police Department for two (2) counts of indecent liberties with a minor.

9. On June 30, 2004, Mr. Malm admitted to detectives from the Tacoma Police Department that he finds "girls at puberty ages sexually attractive". Mr. Malm also admitted to hugging [1a]; sending e-mail letters to [1a] and [1a]; touching [1a] on her vaginal area and having an erection at the time; giving [1a] a pair of female underwear; kissing [1a] on the mouth and touching his

tongue to hers. Mr. Malm told Tacoma Police Department detectives that he had left the teaching profession about ten (10) years earlier and did not have fantasies about puberty age girls until he returned to teaching.

10. On July 1, 2004 the Pierce County Prosecutor's Office charged Mr. Malm with two (2) counts of Child Molestation in the Second Degree, Class B felony.

11. Mr. Malm pled guilty on September 30, 2004 to two (2) counts of the crime of Child Molestation in the Second Degree, RCW 9A.44086. Under the conditions of the conviction, Mr. Malm will be required to register as a sex offender. Under RCW 28A.410.090, such a plea or conviction requires OSPI to permanently revoke the Education Certificate.

12. Mr. Malm submitted a sworn statement, dated October 12, 2004, stating that the allegations, listed in the letter of complaint from the Archdiocese of Seattle, Catholic Schools Department, were truthful.

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

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Anthony Thomas Malm and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate, No. 278771A, of Anthony Thomas Malm, should be permanently revoked, as provided for in WAC 180-86-075 and RCW 28A.410.090.

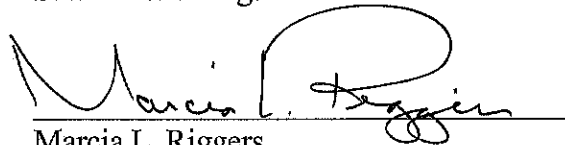
3. Anthony Thomas Malm has violated WAC 180-87, WAC 180-86-013, WAC 180-86-014, and RCW 28A.410.090.

ORDER

Therefore, it is hereby ordered that the Washington Education Certificate, No. 278771A, of Anthony Thomas Malm be permanently revoked.

DATED This 25th day of October, 2004.

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: 13

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.	13

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(13)