



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. D05-07-085
)	
Phil McGee)	FINAL ORDER
Certificate No. 277400H)	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. 277400H, of Phil McGee, based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Phil McGee was issued a Washington Education Certificate, No. 277400H, on March 16, 1987. That certificate currently remains valid.

2. Phil McGee is employed by the Seattle Public Schools.

3. On July 15, 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 Phil McGee.

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4. On May 31, 2001, Mr. McGee received a letter from Susan McCloskey, B.F. Day Elementary School principal. The letter addressed a meeting between Mr. McGee and Ms. McCloskey about concerns she had over Mr. McGee hugging students and giving candy to students.

5. On June 22, 2001, Lenda DiCola, counselor at B.F. Day Elementary School, sent Mr. McGee a letter titled "2nd Concern about possible grooming behaviors". Ms. DiCola addressed concerns regarding Mr. McGee's behavior with two elementary school female students. Mr. McGee submitted a response to school principal, Susan McCloskey.

6. On January 15, 2002, Mr. McGee received a letter from Ms. McCloskey. The letter addressed Mr. McGee taking a student out of class and giving money to the student to purchase ice cream at school.

7. On an unknown date during the 2000-2001 or 2001-2002 school year, Ms. McCloskey spoke with Mr. McGee about the inappropriateness of his referring to the [REDACTED] family children as his grandchildren and displaying favoritism to these children. Ms. McCloskey spoke with Mr. McGee and attempted to provide him with an article from the Washington Education Association (WEA) that addressed the inappropriateness of teachers forming familial relationships with students and their families.

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8. On June 11, 2002 and August 16, 2002, the Seattle Public Schools received documentation from [REDACTED], the mother of students at B.F. Day Elementary School. The letter from Ms. [REDACTED] gave permission for Mr. McGee to represent her in all school matters, including transportation to and from school, as well as looking out for the needs of her children while at school.

9. On October 17, 2002, Mr. McGee received a written reprimand for unprofessional and inappropriate behavior with students at B.F. Day Elementary School.

10. On November 13, 2002, Mr. McGee submitted a response to the letter of reprimand. In the response, he states: that he has transported the [REDACTED] children to and from school; that he did remove one of the [REDACTED] children from her class to give her money; and that if the District wants him to obtain a power of attorney for the [REDACTED] children, he will.

11. On December 3, 2002, Ms. McCloskey received a signed and notarized Limited Power of Attorney. The Limited Power of Attorney was signed by Ms. [REDACTED] and gave permission for Mr. McGee to represent her for school-related matters, including medical problems, transportation, classroom problems and teacher consultation, with her children.

12. On January 15, 2003, Mr. McGee was issued a letter from William Bleakney, Director of Human Resources for the Seattle Public Schools. In the letter, Mr. McGee is informed that the District does not believe that the documents from Ms. [REDACTED] properly convey to him the legal authority to represent Ms. [REDACTED] in school-related matters.

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13. In March of 2005, Mr. McGee rubbed [REDACTED] 4a [REDACTED], abdomen and touched her genitals.

14. On March 31, 2005, [REDACTED]'s mother reported the incident to the King County Sheriff's Office; King County Sheriff's Office report #05-090506.

15. During a forensic interview with [REDACTED] on April 1, 2005 [REDACTED] disclosed that Mr. McGee had on two different occasions touched her genital area inappropriately; King County Sheriff's Office report #05-090506.

16. On April 1, 2005, Mr. McGee was interviewed by King County Sheriff's Office detectives; King County Sheriff's Office report #05-090506.

17. On April 1, 2005, Mr. McGee was arrested for Investigation of Rape of a Child in the First Degree and booked into the King County Jail; King County Sheriff's Office report #05-090506.

18. On April 4, 2005, Mr. McGee was placed on administrative leave by the Seattle Public Schools.

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19. On April 6, 2005, an Information and Certification for Determination of Probable Cause was filed in King County Superior Court charging Mr. McGee with Child Molestation in the First Degree, Revised Code of Washington (RCW) 9A.44.083; Cause #05-1-05666-1 SEA. The victim was [REDACTED] 4a

20. On September 29, 2005, Mr. McGee signed a Statement of Defendant on Plea of Guilty (Misdemeanor); King County Superior Court Cause #05-1-05666-1 SEA. In the Statement of Defendant on Plea of Guilty, Mr. McGee states that "On or about March 26, 2005 in King County, WA, I intentionally touched [REDACTED] 4a in a way that she found offensive". The Statement of Defendant on Plea of Guilty (Misdemeanor) was filed in King County Superior Court on October 7, 2005.

21. On October 7, 2005, an Amended Information was filed in King County Superior Court charging Mr. McGee with Assault in the 4th Degree, RCW 91.36.041; Cause #05-1-05666-1 SEA.

22. On October 14, 2005, a Judgment and Sentence was issued for Cause #05-1-05666-1 SEA. Mr. McGee was sentenced to 30 days incarceration in the King County Jail, with credit for 2 days served. The incarceration was suspended for a period of 12 months and a notation of "Jail Term is Satisfied" is noted on the Judgment and Sentence. Mr. McGee was also sentenced to: \$864 total court costs; no contact with [REDACTED] participate in all treatment recommended by Dr. Lennon; and Mr. McGee may have supervised contact with minors as approved by Dr. Lennon.

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23. Mr. McGee submitted to polygraph examinations prior to and after pleading guilty to Assault 4th Degree.

24. Dr. Bill Lennon completed a Sexual Deviancy Evaluation for Mr. McGee.

25. On September 7, 2006, Mr. McGee participated in an interview with an OPP investigator. During the interview, among other comments, Mr. McGee stated that: he had never received any form of discipline from the Seattle Public Schools; he did not find it a violation of student-teacher boundaries by obtaining the Limited Power of Attorney for the [REDACTED] children and his other interactions with the [REDACTED] children; that he did rub the exposed mid-riff of [REDACTED]; that he did unbutton [REDACTED]'s pants; and, with assistance from his attorney, denied that he placed his hand and/or fingers on [REDACTED]'s vagina.

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

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CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Phil McGee and over the subject matter of this action.

2. OSPI has shown by clear and convincing evidence, that the Washington Education Certificate, No. 277400H, of Phil McGee, should be revoked as provided for in WAC 181-86-075.

3. Phil McGee has violated WAC 181-87-060, RCW 28A.410.090, WAC 181-86-013, and/or WAC 181-86-014.

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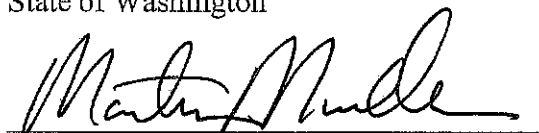
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ORDER

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. 277400H, of Phil McGee is revoked.

DATED This 17th day of January, 2007.

DR. TERRY BERGESON
Superintendent of Public Instruction
State of Washington



Martin Mueller
Assistant Superintendent
Student Support and Operations

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Redaction Log

Total Number of Redactions in Document: 3

Redaction Reasons by Page

Page	Reason	Description	Occurrences
4	4a	RCW 42.56.070(1); RCW 42.56.240(5); RCW 7.69A.020; RCW 7.69A.030(4); RCW 7.69A.050; RCW 10.97.130; RCW 13.50.100. Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.	1
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Redaction Log

Redaction Reasons by Exemption

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4a	RCW 42.56.070(1); RCW 42.56.240(5); RCW 7.69A.020; RCW 7.69A.030(4); RCW 7.69A.050; RCW 10.97.130; RCW 13.50.100. Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator.	4(1) 5(2)