



# SUPERINTENDENT OF PUBLIC INSTRUCTION

RANDY I. DORN 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. D09-01-005
	)	
MICHAEL MOULTON	)	AGREED ORDER
Certificate No. 312089F	)	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 stipulate by and between the Office of Professional Practices (OPP), OSPI, and Michael Moulton, that the Washington Education Certificate No. 312089F, of Michael Moulton, shall be suspended, based on the Findings of Fact and Conclusions of Law set forth below:

### FINDINGS OF FACT

1. Michael Moulton was issued a Washington Education Certificate, No. 312089F, on January 28, 1992. That certificate currently remains valid.

2. Michael Moulton is employed by the Morton School District.

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MICHAEL MOULTON  
AGREED ORDER OF SUSPENSION

3. On September 21, 2001, the Office of Professional Practices, within OSPI, received a complaint letter from the superintendent of the Morton School District 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 Michael Moulton; OPP No. D01-10-094.

4. On or about May 22, 1997, Mr. Moulton: asked students to rub or scratch his back; had students sing songs with students' names in a derogatory manner; used dictionary work as punishment; had students write essays as punishment; and threatened students with additional essays. He was issued a Written Reprimand on May 30, 1997.

5. On June 21, 1999, Mr. Moulton received a Letter of Summary of Discussion About Complaint from Dick Lutz, Superintendent of Morton School District, in response to a complaint by two female high school students that Mr. Moulton called them inappropriate nicknames and touched them on the back, shoulders, arm, and waist. In the letter, Mr. Lutz states "It is my belief that you did not behave prudently or use reasonable judgment as follows: You did not treat students age appropriately. The high school age students were embarrassed when called names and told how much you love them. You encroached upon their personal space by touching them. The high school students also got mixed messages when you demonstrated this behavior". Mr. Moulton was directed, as an educator, to treat everyone equitably and above reproach.

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6. On August 19, 2001, Mr. Moulton did not preview a story that involved mention of intercourse and genitalia. Mr. Moulton allowed the story to be read to elementary school age students. On August 27, 2001, Mr. Moulton was suspended without pay for five days by Russ Davis, Superintendent of Morton School District.

7. On September 21, 2001, the Office of Professional Practices (OPP) initiated an investigation into allegations of a lack of good moral character or personal fitness, or a violation of the Code of Professional Conduct, Washington Administrative Code (WAC) 181-87; OPP No. D01-10-094.

8. On May 9, 2002, OPP issued an Agreed Order of Reprimand to Michael Moulton; OPP No. D01-10-094. The Findings of Fact in the Agreed Order of Reprimand address the reading of a story on April 19, 2001.

9. During the 2004-2005 school year, Mr. Moulton inappropriately touched students by; rubbing girls' shoulders, backs and arms; hugging a girl from behind; touching/grabbing a girl's side; patting a girl's shoulder; rubbing both boys' and girls' shoulders; putting his hands on girls' shoulders; touching girls' waists; putting his hand/s onto a girl's hand and interlocking fingers; poking girls' sides, between their waist and ribs; pulling a girl's hair; putting his arm around a girl with his hand on her shoulder; and slapping the back of a boy's head.

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10. On October 9, 2005, Mr. Moulton was arrested by Morton Police Department for 2 counts of Assault 4<sup>th</sup> Degree / Domestic Violence involving his own two teenage children; Morton Police Department Case #05D950 and Lewis County District Court Case #C8294.

11. On October 11, 2005, Mr. Moulton was placed on Paid Administrative Leave, to extend through October 13, 2005.

12. On October 24, 2005, [REDACTED] filed a report with the Morton Police Department, alleging Michael Moulton inappropriately touched and unfairly treated A.E., his middle school age daughter; Morton Police Case No. 05D988.

13. On November 21, 2005, Mr. Moulton received a Written Reprimand from John Flaherty, Superintendent of Morton School District, for the inappropriate touching of students during the 2004-2005 school year.

14. On November 23, 2005, the Office of Professional Practices, within OSPI, received a complaint letter from John M. Flaherty, the superintendent of Morton School District 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 Michael Moulton; OPP No. D05-12-129.

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15. On December 2, 2005, OPP initiated an investigation into allegations of a lack of good moral character or personal fitness, or a violation of the Code of Professional Conduct; OPP No. D05-12-129.

16. On January 16, 2006, Attorney William C. Boehm sent a letter to Morton Police Chief Dan Mortensen advising him that there would be no charges filed against Michael Moulton for Morton Police Case No. 05D988. Mr. Boehm cited, "His touching of students in a tickling fashion or rubbing their shoulders certainly is inappropriate but I do not feel that it would fit in any of the categories of assault. In reviewing the reports none of the students felt harmed or were they injured by his touching. I feel it would be very hard for the City to prove beyond a reasonable doubt that Mr. Moulton had criminal intent when he touched a student".

17. On March 8, 2006, Mr. Moulton received a Deferred Prosecution in Lewis County District Court; Lewis County District Court Case #C8294.

18. On April, 6, 2007, Michael Moulton participated in an interview with an OPP investigator.

19. On September 21, 2007, Mr. Moulton attended and completed the Washington Education Association's "Safer Relationships with Students" course.

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20. On October 25, 2007, Tom Manke issued a letter to Michael Moulton regarding student complaints of touching shoulders and on the neck during class time. Another student alleged that Michael Moulton had looked under her cheerleading skirt and called female students "pretty". Tom Manke stated that, after investigation, he was unable to conclude that Michael Moulton had engaged in this behavior and no discipline was issued.

21. On November 29, 2007, Michael Moulton was issued an Agreed Order of Reprimand from the Offices of Professional Practices, within OSPI; OPP # D05-12-129.

22. In May of 2008, Michael Moulton had a confrontation with a female student on school district property. On May 12, 2008, Principal Josh Brooks was notified that Michael Moulton had made a profane gesture towards a female student. No disciplinary action was taken by the Morton School District.

23. During the 2007-2008 school year and the beginning of the 2008-2009 school year, Michael Moulton touched students on the shoulders, arms and backs after being informed by female students that they did not want him to touch them in any manner.

24. On November 21, 2008, Morton Police Department initiated an investigation regarding allegations that Michael Moulton had inappropriately touched eight female students at Morton School District; Morton Police Department Case No. 08D1192.

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25. On or about November 22, 2008, the Morton Police Department notified the Morton School District of the open investigation into allegations of inappropriate touch by Michael Moulton.

26. On November 24, 2008, Michael Moulton was issued a letter from Tom Manke, Superintendent of Morton School District, advising him of allegations of possible misconduct and placing him on administrative leave with pay. Michael Moulton was directed to return to work on December 8, 2008.

27. On December 12, 2008, Michael Moulton was issued: Citation No. C8685, 2 Counts of Assault in the 4<sup>th</sup> Degree, regarding C.C., a 14 year old female student; Citation No. C8686, Assault in the 4<sup>th</sup> Degree regarding S.E., a 14 year old female student; Citation No. C8687, Assault in the 4<sup>th</sup> Degree regarding K.R., a 13 year old female student; Citation No. C8688, Assault in the 4<sup>th</sup> degree regarding K.M. a 13 year old female student; Citation No. C8689, Assault in the 4<sup>th</sup> Degree regarding A.L., a 13 year old female student; Citation No. C8690, Assault in the 4<sup>th</sup> Degree regarding K.R., a 14 year old female student; Citation No. C8691, Assault in the 4<sup>th</sup> Degree regarding K.S., a 13 year old female student; and Citation No. C8692, Assault in the 4<sup>th</sup> Degree regarding J.L., a 13 year old female student. (Morton Police Department Case No. 08D1192)

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28. In December 2008, the Morton School District retained Attorney Rebecca Dean, to investigate the allegations of inappropriate touching of female students by Michael Moulton. In Rebecca Dean's summary to the Morton School District, she verified that it was likely that some of the allegations were likely to have occurred. Rebecca Dean also stated, "I also conclude that Moulton's touching is not sexual in nature or intent. Nevertheless, a substantial number of students found the contact to be uncomfortable, and I find their objections to the contact to be sincere".

29. On December 5, 2008, Tom Manke issued Michael Moulton a letter extending Michael Moulton's administrative leave with pay through December 8, 2008 and directing him to return to work on December 9, 2008.

30. On December 15, 2008, the Morton School District issued a Notice of Probable Cause to Michael Moulton suspending him without pay for fifteen (15) days, effective January 5, 2009 through January 26, 2009, and directing him to return to work on January 27, 2009. Tom Manke directed Michael Moulton to remain on administrative leave with pay through December 19, 2008.

31. On December 26, 2008, Michael Moulton appealed his fifteen day suspension.

32. On December 31, 2008, Michael Moulton filed a grievance with Morton School District regarding the notice of probable cause of suspension.

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33. On January 5, 2009, Tom Manke issued a letter to Michael Moulton extending his administrative leave with pay from January 5, 2009 through January 9, 2009.

34. On January 9, 2009, Tom Manke issued a letter to Michael Moulton extending his administrative leave with pay from January 12, 2009 through January 16, 2009.

35. On January 12, 2009, the Office of Professional Practices, within OSPI, received a complaint letter from Tom Manke, Superintendent of the Morton School District, 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 Michael Moulton. OPP initiated an investigation on January 13, 2009.

36. On January 16, 2009, Tom Manke issued a letter to Michael Moulton continuing his administrative leave with pay from January 20, 2009 through January 23, 2009.

37. On January 23, 2009, Tom Manke issued a letter to Michael Moulton extending his administrative leave with pay until his pending appeal is heard by the hearing officer.

38. On February 27, 2009, Michael Moulton entered into a Settlement Agreement with Morton School District, agreeing to a 12 day suspension without pay, beginning February 18, 2009.

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39. On March 4, 2009, Michael Moulton was issued an Amended Order Establishing Conditions of Release from Lewis County District Court ordering Michael Moulton to have no contact with the alleged victims who are students at Morton School District; Lewis County District Court Case No's C8685, C8686, C8687, C8688, C8689, C8690, C8691, and C8692.

40. On March 5, 2009, Tom Manke issued a memorandum to Michael Moulton regarding his return to work on March 6, 2009, citing directives to include: 1) you are not to have physical contact of any kind with students unless you must use physical restraint to separate students from fighting or to make contact with a student because of a student's medical emergency, or to protect yourself from bodily harm; 2) you are also not to retaliate in the form of discipline and or lowering achievement toward any student who was interviewed by Ms. Rebecca Dean; 3) and finally, refrain from conversation with students, other than for educational purpose.

41. On March 13, 2009, Tom Manke issued a letter to Michael Moulton placing him on administrative leave with pay, effective March 13, 2009 through March 17, 2009. Tom Manke stated that, since Michael Moulton's return to work on March 6, 2009, he had received an Amended Lewis County District Order, directing Michael Moulton to have no contact with the alleged victims, unless in the presence of another adult.

42. On March 18, 2009, Tom Manke issued a letter to Michael Moulton, regarding his return to the classroom while adhering to the conditions of the Lewis County District Court Order, directing Michael Moulton to have no contact with the eight (8) female students named in the Order, except in the presence of another adult.

43. On March 18, 2009, Tom Manke issued a follow-up letter to Michael Moulton extending his administrative leave with pay from March 18, 2009 through March 23, 2009, while he reviewed the Amended Lewis County District Court Order.

44. On March 23, 2009, Tom Manke, Superintendent of the Morton School District issued a letter to Michael Moulton, placing him on administrative leave with pay, effective from March 24, 2009 through March 27, 2009, to allow Michael Moulton time to respond to a proposal stated in the March 18, 2009 letter from Tom Manke regarding Lewis County District Court's Amended Court Order.

45. On June 24, 2009, in Lewis County District Court, Michael Moulton, through an Alford Plea, pleaded to four (4) charges of Assault 4<sup>th</sup> Degree for the following Case No's.: C8685 (Student C.C.); C8688 (Student K.M.); C8689 (Student A.R.); and C8692 (Student J.L.).

46. On June 24, 2009, an Order of Dismissal of Criminal Charge on Motion of Plaintiff was filed in Lewis County District Court dismissing Case No's.: Count 2 of C8685 (Student S.E.); C8686 (Student C.C.); C8687 (Student K.R); C8690 (Student K.R); and C8691 (Student K.S.).

47. On September 9, 2009, in Lewis County District Court, Michael Moulton was found guilty by plea and sentenced on Case No's. C8685, C8688, C8689, and C8692.

48. On October 21, 2009, Michael Moulton, was issued Probable Cause for Discharge from the Morton School District, by Tom Manke, Superintendent of the Morton School District.

49. On October 21, 2009, Michael Moulton filed an appeal of the Notice of Probable Cause for Discharge.

50. On March 2 and 3, 2010, an administrative hearing was held regarding the termination of Michael Moulton's employment with the Morton School District.

51. On April 13, 2010, Hearing Officer Joseph M. Mano, Jr. issued his decision. Mr. Mano concluded that sufficient cause for Michael Moulton's dismissal had not been shown by a preponderance of the evidence and directed that Michael Moulton be restored to his position as a teacher in the Morton School District.

52. On August 25, 2010, Michael Moulton participated in an interview with OPP investigator.

53. 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 Michael Moulton and over the subject matter of this action.
  
2. OSPI has shown by clear and convincing evidence that the Washington Education Certificate, No. 312089F, of Michael Moulton, should be suspended as provided for in WAC 181-86-070.
  
3. Michael Moulton has violated RCW 28A.410.090, WAC 181-87-060, WAC 181-86-013, and/or WAC 181-86-014.

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**ORDER**

THEREFORE, it is hereby ordered that the Washington Education Certificate, No. 312089F, of Michael Moulton be suspended for twenty-four (24) months.

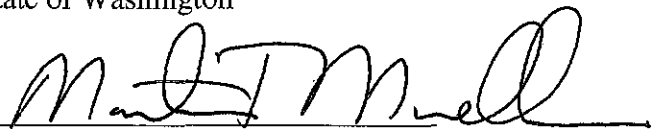
**Reinstatement** will require: (1) successful completion a psychological examination, from psychologist mutually agreed upon by OPP and Michael Moulton, which validates Michael Moulton's ability to have unsupervised access to children; (2) successful completion of any and all treatment recommended as a result of said psychological evaluation; (3) Michael Moulton will provide OPP with evidence of his successful completion of or continued compliance in her/his treatment program; (4) if requested, Michael Moulton will sign consent forms authorizing OPP to have access to all records pertaining to her/his treatment and to discuss any and all treatment undertaken with the providers administering treatment. The cost of conformance to all reinstatement requirements will be the responsibility of Michael Moulton.

**Reinstatement shall (also)** require: 1) successful completion of training on appropriate/ inappropriate interactions between educators and students; from a mutually agreed upon provider; 2) successful completion of all terms and conditions imposed by the Lewis County District Court for Case No's C8685, C8688, C8689, and C8692. The cost of conformance to all reinstatement requirements will be the responsibility of Michael Moulton. 3) submission of a new application, including Character and Fitness Supplement, provided by OPP and having Michael Moulton's fingerprints be checked by both the Federal Bureau of Investigation (FBI) and the Washington State Patrol (WSP). Reinstatement shall also be contingent upon Michael Moulton's fingerprint background check returning with no criminal convictions that are listed in WAC 181-86-013, RCW 28A.410.090, and/or any other felony convictions.

THEREFORE, it is hereby ordered and agreed that the Washington Educational Certificate, No. 312089F, of Michael Moulton, be suspended for twenty-four (24) months from the date of entry of this order

DATED This 3<sup>rd</sup> day of June, 2011.

RANDY I. DORN  
Superintendent of Public Instruction  
State of Washington

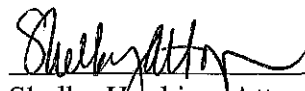


Martin T. Mueller  
Assistant Superintendent  
Student Support

Stipulated to and approved  
For entry:



Michael Moulton, Respondent



Shelby Hopkins, Attorney for Respondent  
WSBA #29173