

Briefing Paper: Discipline Determination

**CONFIDENTIAL**

To: Catherine Agor, Acting General Counsel  
From: Tom Weeks, Executive Director of Human Resources  
CC: Julius Johnson, Chief of Staff  
Date: September 19, 1996  
Re: Luke (Turk) Markishtum

**Proposed Action:** 10-Day Suspension without pay  
Required classes re: professional interaction with students/staff  
Required fingerprinting before end of suspension  
Reassigned to a school other than Indian Heritage H.S.

**Reason:** Inappropriate remarks, unprofessional behavior with female students and staff members, allegations of buying alcohol for students.

**Facts:**

1. In November of 1995, allegedly grabbed a female student by her shirt front, rolled the chair in which he was sitting around behind her, grabbed her collar and stated that he was going to give her a birthday kiss.
2. Mr. Eaglestaff left a voice mail to General Council's office that Mr. Markishtum had admitted grabbing a student and kissing her and that the incident had been covered up until brought up by another member of the staff (Dr. Beaston).
3. Allegations that during the 1977-78 school year he accompanied a group of students to a track meet and engaged in inappropriate behavior including buying alcohol and drinking with them.
4. Mr. Markishtum has a reputation of not following the District's rules when it comes to the athletic eligibility of students. He also is known to conduct improper basketball practices in violation of District policies. He uses a volunteer assistant coach who has not been cleared to work around children; he has ignored warnings.
5. Mr. Markishtum has made numerous female staff members uncomfortable by his actions and comments in their presence.
6. It is alleged that he has requested sex to be consummated on the campus of the school. On at least one occasions he completed sex act with a female adult friend in his classroom.
7. Mr. Markishtum and his son <sup>separately</sup> were involved in an illegal drug smuggling operation in the Port Angeles WA area. Twelve thousand pounds of Thai stick marijuana valued at \$50 million dollars were seized. He has told two of the people

interviewed by the investigator of the marijuana smuggling. The smuggling was during one of the periods of time that Mr. Markishtum has resigned from the District - 1981. It is possible he testified against other who were involved.

8. A former student, \_\_\_\_\_, said that not only did Mr. Markishtum kiss her after the track meet in Port Townsend in 1977 as she has previously reported but she and other student girls would go to Mr. Markishtum's house and drink alcohol with him and his son Stan.

9. Eleven track team members were interviewed by the investigator. Five of them said that Mr. Markishtum bought beer for the students and drank with them.

10. There are at least two "Petitions For Order For Protection: in the domestic records (restraining orders). One is against Mr. Markishtum to stay away from his wife "Candae" Tietge Markishtum because of many physical assaults during a 17 month period. The second is by Mr. Markishtum against Sharon Boehm who he claims was trying to "ruin his career as a teacher."

**Rationale:** Investigations have indicated that there appears to be a pattern of inappropriate and unprofessional behavior with staff and students that spans 26 years.

**Potential Problems:** The Indian community appears to be divided in its opinion of Mr. Markishtum and the District's disciplinary action may be construed as unfair or discriminatory. The FBI background check may find a significant involvement with the drug incident to cause OSPI to pull Mr. Markishtum's certificate thereby causing concern that the District did not act sooner when the issue was first discussed.

*Celebrating 125 Years  
of Putting Students First*

Office of the  
Superintendent  
815 Fourth Avenue North  
Seattle, WA 98109  
(206) 298-7100

October 16, 1996



The  
Seattle Public  
Schools

HAND DELIVERED

Mr. Luke Markishtum

Seattle, WA 98133

Dear Mr. Markishtum:

The purpose of this letter is to notify you of my determination that there is probable cause to discharge you from your position as a certificated employee of the Seattle School District. The reason for my determination is your improper, unprofessional, and insubordinate conduct in relation to a female student at American Indian Heritage High School, and your disregard for the District's requirements relating to athletic programs; specifically, your continued use of a volunteer coach who was not eligible to work with students and a disregard for practice rules and student eligibility.

More precisely, your improper and unprofessional conduct includes, without limitation, the following:

1. On November 14, 1995, you grabbed [redacted]'s shirt front, rolled your chair around behind her, grabbed her shoulders, pulled her backwards, and attempted to give her a birthday kiss. [redacted] says that she has told you repeatedly not to touch her. She says you put your arm around her on numerous occasions and that you have told her and [redacted] a lot of dirty jokes. She also describes a doll you have had on your desk whose pants fall down when you squeeze a tube.

You denied that you tried to kiss her, but when you met with Ava Greene-Davenport, you did admit that you had touched her to give her Hershey kisses and she had jumped. Ms. Davenport asked you if you had asked [redacted] why she jumped and you replied "No, she always does that." By your own admission, you knew that [redacted] did not like to be touched, yet you continued to touch her.

2. Dr. Littlebrave Beaston reported this incident to Principal Robert Eaglestaff, but Mr. Eaglestaff did not report it to the District until January 25, 1996. On January 25, 1996, Principal Eaglestaff called the District's General Counsel for advice after receiving a parent complaint against you. Principal Robert Eaglestaff reported to General Counsel that you had admitted grabbing a student and kissing her but that you said you were joking around. Mr. Eaglestaff said that he advised you not to joke in that manner. Mr. Eaglestaff also admitted that the whole incident had been covered up.

3. The District's investigator spoke with students who were present in the classroom during the November 14th lunch period and, although there are conflicting stories, there is a thread of information that comes through that clearly demonstrates a continued propensity for inappropriate conduct with students. [redacted] was in your room during that lunch period and said she made the comment that it was [redacted] birthday. She said you asked "Do I get a birthday kiss?" and that [redacted] said "No." She says you rolled your chair behind [redacted] and put your hands on her shoulder. She said [redacted] seemed upset. She does not remember anything about Hershey kisses. Your niece, [redacted], said she heard [redacted] "yell in a loud voice" during lunch. Although she says she didn't see anything then, she said that "she knows that you have tickled occasionally, as you do everyone who sits in the front of the room....mostly the teaching assistants." She also describes a conversation you had with the class when you were talking about chocolate having the same effect on people as an orgasm. She said that you then handed out Hershey kisses and then told the class that you "wanted your orgasm back."

During the investigation, several women staff members were interviewed. They told the investigator that you have made them uncomfortable in your presence because of your actions and/or comments. These instances include inappropriate body language, touching female staff members while talking to them, flirting with them, touching their hair, and making inappropriate inquiries into their social life and their dating.

The District's investigation also has discovered that you repeatedly and knowingly violated and disregarded the directives of the Athletic Department regarding practice sessions and the eligibility of student athletes. Mr. Courage Benally, the Athletic Director at Indian Heritage during the 94-95 and 95-96 school year has documented specific instances of these violations including, but not limited to the following:

1. Mr. Benally had complained to Mr. Eaglestaff about your lack of discipline, not following District rules, playing ineligible students, conducting illegal practices, changing student's grades to make them eligible (this was done in front of Mr. Benally and Mr. Eaglestaff), using an illegal assistant coach, Mr. Robert Thompson, and having poor scholastic students carrying five classes of independent study under you so that they could play basketball. The investigator has obtained no less than 13 memos written by Mr. Benally to either the Athletic Office, Mr. Eaglestaff or the "file" during the period of April 19, 1995 through June 17, 1996.

a. April 19, 1995, Mr. Benally wrote to Barbara Twardus, Director of Athletics to "start a paper trail" regarding Mr. Markishtum. Specifically, Mr. Benally says that Mr. Markishtum has: "manipulated grades to qualify his athletes; "he's accused me [Benally] of spying on their practices when checking ineligible players; he has accused me [Benally] of cutting off the player's feet by declaring them ineligible; he has not maintained the inventory/upkeep of the sports equipment; two of his track team students were hospitalized due to lack of conditioning.

b. April 25, 1995, Mr. Benally first documented that Robert Thomas was coaching the boys varsity team without being fingerprinted. There were additional memos in October and November indicating the same concern. Mr. Thomas did not get fingerprinted until December, yet he was working with the students on the track and basketball teams.

RFP #3  
IN. #2

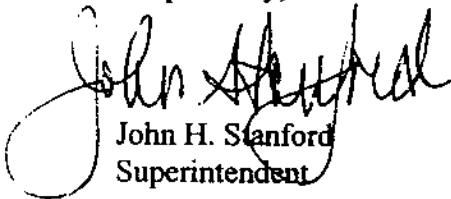
T. #3  
RFP #4  
#5  
#6

2. Ms. Barbara Twardus, then the Director of Athletics said that she had received complaints from parents and other school staff about you. She said that you are known not to play by the rules when it comes to eligibility of student athletes, who you have been known to change grades, not have the paperwork in before the students participate and allow illegal students to play. She says the assistant coach was not fingerprinted until December 6, 1995. Ms. Twardus said that she passed the information from Mr. Benally along to Mr. Eaglestaff, but that he did nothing about it.

Your conduct as described above reflects a flagrant disregard and/or abandonment of generally recognized professional standards applicable to the relationship between teachers and their students and the relationship between the School District and patrons of the School District. Your gross and willful insubordination is, by itself, sufficient to justify your discharge. Your conduct cannot and will not be tolerated in this District.

This notice of probable cause for your discharge is being given to you pursuant to R.C.W. 28A.405.300. You have a right to appeal my determination pursuant to R.C.W. 28A.405.300 and R.C.W. 28A.405.310 which require that your appeal be filed with the Superintendent or the President of the School Board within ten days of your receipt of this letter. Copies of the applicable statutes may be obtained from the General Counsel's office of the District, upon your request.

Respectfully,

  
John H. Stanford  
Superintendent

cc: Tom Weeks  
Kraig Peck  
Personnel file

The original of this letter was received by me on \_\_\_\_\_, 19\_\_\_\_.

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Luke (Turk) Markishtum  
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