



Ellensburg School District No. 401

506 North Sprague
Ellensburg, Washington 98926-3177
(509)925-8000 FAX (509)925-8025

RECEIVED

JUN 10 1996

June 4, 1996

OFFICE OF
ACCESIONING FAX 3177

Mr. Bob Shaw
[REDACTED]

Dear Mr. Shaw:

Pursuant to RCW 28A.405.300, I have determined that there is probable cause to terminate or otherwise adversely affect your contract status with the Ellensburg School District for unprofessional and/or immoral conduct. I have previously provided you with a detailed explanation of the allegations and you responded to them in a pretermination meeting last week. A copy of the suspension letter of April 15, 1996, the investigative report of Penny Milczewski, and witness statements prepared by District administrative staff, all of which were previously provided to your attorney, are incorporated herein by reference, and set forth in detail the factual basis of my determination of probable cause.

In summary, the basis for probable cause for termination or other adverse effect in contract status relates to your long-standing pattern of behavior which includes inappropriate touching and improper and/or sexually suggestive comments directed toward female students. These remarks or behaviors include, but are not limited to, making comments to female students which draw attention to their bodies or clothing such as commenting on the color of bra a student was wearing; advising female students that they will get good grades if they wear skirts; stating to female students that they look good in short skirts or that they should wear a dress or dress up more often; looking at female students' breasts rather than their faces while talking with them; making sexually suggestive gestures such as licking your lips or raising your eyebrows when making eye contact. Your behavior has included improper physical contact with female students, including but not limited to, placing your stocking foot/feet under the back of a student's shirt and rubbing it on her back; brushing a student's breast while asking what was on her shirt; running your foot up and down a female student's leg as she sat at her desk; placing your hand on the upper inside thigh of a student during PE class; pressing your body against female student(s) during weight training class; slapping a female student's buttocks with back of your hand and clipboard. This pattern has continued despite having been previously brought to your attention by administrative staff, another teacher, and a parent.

On several occasions you have engaged in a pattern of inappropriate physical contact and/or comments with student [REDACTED]. Specifically, while driving in your car you have placed your hand on her thigh, placed your arm around her shoulders, rubbed her neck, had her head in your lap, caressed her ears and lips, and kissed and nuzzled her forearm. In addition, your behaviors have included, but are not limited to, tickling and teasing, allowing Ms. [REDACTED] to give you a back rub, placing her hand under your shirt, sliding your hand up her upper leg and beneath her shorts, and touching or rubbing her lower leg.

The student-teacher relationship between you and female students has been damaged to the extent that students were afraid to come forward because of fear of retaliation, and at least one student

Community Schools
506 N. Sprague
925-8017

Ellensburg H.S.
1300 E. Third Ave.
925-6185

Lincoln Elementary
200 S. Sampson
925-9831

Morgan Middle
400 E. First Ave.
962-9878

Mt. Stuart Elementary
705 W. Fifteenth Ave.
925-9848

Special Services
506 N. Sprague
925-8117

Valley View Elementary
1508 East Third Ave.
925-7316

All education programs and services are available and provided to all students regardless of race, color, national origin, sex or disability.
Title IX and Sec. 504 Compliance Coordinator is the District Superintendent 925-8000.

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transferred or stopped attending your class because she felt uncomfortable with your interactions. Furthermore, at least two staff persons have reported that during their presentations on sexual harassment, students consistently make comments about you.

I find that your pattern of interacting with female students lacks any positive educational aspect or legitimate professional purpose, is inconsistent with the concepts of creating a safe and trusting environment for the education of students, and falls below professional standards expected in the teaching profession. Additionally, your behavior constitutes unacceptable professional conduct which materially and substantially affects your teaching performance as well as adversely affects the educational interests of the Ellensburg School District.

You have the right to appeal my determination by requesting a hearing. However, any hearing request initiated under the provisions of state law must be filed in writing with the president, chair or secretary of the Board of Directors of the District within ten (10) days after your receipt of this letter. The statutory appeal procedure is set out at RCW 28A.405.300 and RCW 28A.405.310. You may have other rights under the Collective Bargaining Agreement. Copies of the aforementioned statutes and Collective Bargaining Agreement are available in my office should you desire to review them.

If you do not request a timely hearing, the District may discharge or otherwise adversely affect your contract status.

Sincerely,

Gerald E. Post
Superintendent

GEP:fs

cc: Mr. Kevan Montoya
Lael Wright, EEA
Reid Preppernau, ECA