

i, Yraim Kessel certify that on 6-29-01, I mailed a copy of this document, certified & postage prepaid, to all parties or their counsel of record. I certify under penalty of perjury, under the laws of the state of Washington, that the foregoing is true and correct.

IN THE MATTER OF THE EDUCATION)
APPLICATION OF)
RUBEN ALFREDO ROJAS)
CERTIFICATE #235646G)

OPP No. D96-02-007
PROPOSED FINAL ORDER
OF SUSPENSION

COMES NOW Lin Douglas, the Informal Review Officer of the Superintendent of Public Instruction, having reviewed the files of the above-referenced case, and having considered the arguments of each party and the recommendation of the Admissions and Professional Conduct Advisory Committee, does hereby suspend the education certificate of Ruben Alfredo Rojas based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. Ruben Alfredo Rojas was issued a Washington education certificate, No. 235646G, on September 4, 1979. That certificate currently remains valid.
2. Ruben Alfredo Rojas was employed by the Highline School District.
3. On December 8, 1995 the Office of Professional Practices, within OSPI, received a complaint letter from the Superintendent of the Highline 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) 180-87, by Ruben Rojas.
4. In the fall of 1994 the Highline School District hired an outside investigator to respond to a signed petition from students and allegations of misconduct by Ruben Rojas. The findings indicate that Mr. Rojas used inappropriate language including but not limited to calling them names, yelling at students, making inappropriate comments to students that made them feel bad and made them cry.
5. On December 12, 1994, Ruben Rojas received a "letter of advisement" regarding his alleged sexual harassment and sexual innuendoes directed toward members of the girl's softball team.
6. In May of 1995, Rueben Rojas asked a female student to iron his shirts. In her statement the student alleged that when she returned the shirts to Mr. Rojas, at his home, he kissed her, hugged her, and touched her on the breast.
7. On June 5, 1995 the Highline School District Superintendent, Joseph R. McGeehan suspended Mr. Rojas with pay pending the outcome of an investigation of a complaint of impropriety in his dealings with a female student.
8. On June 5, 1995, the female student, who alleged Mr. Rojas touched her breast, filed a complaint of indecent liberties with the King County Police, case number 95-178355.
9. In a memorandum dated October 18, 1995, Ron Unke, Highline Security Department, stated the female victim's family was moving to [REDACTED] on October 19, 1995. The victims' father called Detective Honeysuckle and requested the charges against Mr. Rojas be dropped.

RUBEN ALFREDO ROJAS
PROPOSED FINAL ORDER OF SUSPENSION

10. On November 2, 1995, in a recorded interview with Tony Zeman, Highline Security Investigator and George Long, Director of UNISERV, Mr. Rojas did admit to having this, as well as other students, to his home both individually and in groups for school related and non-school related activities and to do work for him.
11. On December 15, 1995 the Highline School District issued Ruben Rojas a letter of probable cause for discharging him from his employment as a teacher with the Highline School District. Mr. Rojas appealed his termination.
12. On June 15, 1996 the district and Mr. Rojas entered into a settlement agreement. Mr. Rojas resigned from his position as a certified employee with the Highline School District effective June 30, 1996.
13. Ruben Rojas has been employed by the Lake Elsinore Unified School District in California as a classroom teacher and athletic coach since August 27, 1997. According to the Lake Elsinore Unified School District there have been no complaints made against Mr. Rojas.
14. Good moral character and personal fitness is a continuing requirement to maintain a Washington education certificate.

CONCLUSIONS OF LAW

1. OSPI has jurisdiction over Ruben Alfredo Rojas and over the subject matter of this action.
2. OSPI has shown by clear and convincing evidence that the Washington education certificate, No. 235646G, of Ruben Alfredo Rojas should be suspended as provided for in WAC 180-86-070.
3. Ruben Alfredo Rojas has violated: WAC 180-87, WAC 180-86 and RCW 28A.410.

ORDER

THEREFORE, it is hereby proposed that the Washington education certificate, No. 235646G, of Ruben Alfredo Rojas be suspended until such time as the following conditions are met:

1. submission of a new application
2. submission of fingerprints for clearance by the FBI and Washington State Patrol
3. successful completion of a psychological evaluation, conducted by a mutually agreed upon professional, that verifies that Mr. Rojas is not a threat to students, and
4. signed affidavits from superintendents in all California school districts where Mr. Rojas has been employed from 1996 to the time of his application, verifying his good moral character.

This Proposed Order will become final thirty (30) calendar days from the date of receipt of this order unless respondent files an appeal for a formal hearing before the Office of Administrative Hearings. Please direct the appeal and request for formal hearing to Office of Superintendent of Public Instruction, Administrative Law Office, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200.

DATED this 29th day of June, 2001.

DR. TERRY BERGESON
SUPERINTENDENT OF PUBLIC INSTRUCTION
STATE OF WASHINGTON



LIN DOUGLAS
Informal Review Officer

RUBEN ALREDO ROJAS
PROPOSED FINAL ORDER OF SUSPENSION