



# WASHINGTON STATE CODE OF PROFESSIONAL CONDUCT FOR EDUCATION PRACTITIONERS

Teachers | Educational Staff Associates | Administrators





# OFFICE OF PROFESSIONAL PRACTICES

The Office of Professional Practices, a division under the auspices of the Superintendent of Public Instruction, is charged with enforcement, including discipline, of educational practitioners for violation of the Professional Code of Conduct. The office receives, investigates, and makes legal findings regarding complaints. A nine member professional advisory committee reviews appeals from proposed disciplinary actions. Educators who violate the code may receive a letter of concern, be reprimanded, or their license to practice may be suspended or revoked.

The Office of Professional Practices also reviews charges that an applicant for or the holder of professional certification lacks good moral character or personal fitness. These standards are set forth in WAC 181-86-013 and address commission of criminal acts and other behavior which endanger children, colleagues, or other staff. Commission of criminal acts may not be directly related to professional conduct, but they do reflect upon the individual's worthiness and ability to serve as a professional educator.

*Requests for additional information may be addressed to:*

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Office Of Superintendent of Public Instruction  
Old Capitol Building, PO Box 47200  
Olympia, WA 98504-7200

# CODE OF PROFESSIONAL CONDUCT

## CHAPTER 181-87 WAC

### WAC 181-87-005 PURPOSE

The sole purpose of this chapter is to set forth policies and procedures related to reprimand, suspension, and revocation actions respecting certification of education practitioners in the state of Washington for acts of unprofessional conduct. It is recognized that grounds for the discharge, nonrenewal of contracts, or other adverse change in contract status affecting the employment contracts of education practitioners are broader than stated herein. The grounds set forth as unprofessional conduct in this chapter shall not limit discharge, nonrenewal of contracts, or other employment action by employers of education practitioners.

### WAC 181-87-010 PUBLIC POLICY GOALS OF CHAPTER

The public policy goals of this chapter are as follows:

1. To protect the health, safety, and general welfare of students within the state of Washington.
2. To assure the citizens of the state of Washington that education practitioners are accountable for acts of unprofessional conduct.
3. To define and provide notice to education practitioners within the state of Washington of the acts of unprofessional conduct for which they are accountable under the provisions of chapter 181-86 WAC.

## PROFESSIONAL ACCOUNTABILITY

### WAC 181-87-015 ACCOUNTABILITY FOR ACTS OF UNPROFESSIONAL CONDUCT

Any educational practitioner who commits an act of unprofessional conduct proscribed within this chapter may be held accountable for such conduct under the provisions of chapter 181-86 WAC.

# ADMINISTRATIVE PROVISIONS

## WAC 181-87-020 APPLICABILITY OF CHAPTER TO PRIVATE CONDUCT

As a general rule, the provisions of this chapter shall not be applicable to the private conduct of an education practitioner except where the education practitioner's role as a private person is not clearly distinguishable from the role as an education practitioner and the fulfillment of professional obligations.

## WAC 181-87-025 EXCLUSIVITY OF CHAPTER

No act, for the purpose of this chapter, is defined as an act of unprofessional conduct unless it is included in this chapter.

## WAC 181-87-035 EDUCATION PRACTITIONER DEFINITION

As used in this chapter, the term "education practitioner" means any certificate holder licensed under Title 181 WAC of the professional educator standards board to serve as a certificated employee, or any person serving in a position for which certification is required under Title 181 WAC of the professional educator standards board.

## WAC 181-87-040 STUDENT DEFINITION

As used in this chapter, the term "student" means the following:

1. Any student who is under the supervision, direction, or control of the education practitioner.
2. Any student enrolled in any school or school district served by the education practitioner.
3. Any student enrolled in any school or school district while attending a school related activity at which the education practitioner is performing professional duties.
4. Any former student who is under eighteen years of age and who has been under the supervision, direction, or control of the education practitioner. Former student, for the purpose of this section, includes but it not limited to drop outs, graduates, and students who transfer to other districts or schools.

## WAC 181-87-045 COLLEAGUE DEFINITION

As used in this chapter, the term "colleague" includes a certificated educator or any individual employed on a permanent or temporary basis.

# ACTS OF UNPROFESSIONAL CONDUCT

## WAC 181-87-050 MISREPRESENTATION OR FALSIFICATION IN THE COURSE OF PROFESSIONAL PRACTICE

Any falsification or deliberate misrepresentation, including omission, of a material fact by an education practitioner concerning any of the following is an act of unprofessional conduct:

1. Statement of professional qualifications.
2. Application or recommendation for professional employment, promotion, certification, or an endorsement.
3. Application or recommendation for college or university admission, scholarship, grant, academic award, or similar benefit.
4. Representation of completion of in-service or continuing education credit hours.
5. Evaluations or grading of students and/or personnel.
6. Financial or program compliance reports submitted to state, federal, or other governmental agencies.
7. Information submitted in the course of an official inquiry by the superintendent of public instruction related to the following:
  - a. Good moral character or personal fitness.
  - b. Acts of unprofessional conduct.
8. Information submitted in the course of an investigation by a law enforcement agency or by child protective services regarding school related criminal activity.
9. Assessments leading to certification.
10. An education practitioner who aids, encourages, and/or abets another educator in any falsification or deliberate misrepresentation, including omission, of a material fact in conjunction with the acts listed above commits misrepresentation in the course of professional practice.

## WAC 181-87-055 ALCOHOL OR CONTROLLED SUBSTANCE ABUSE

Unprofessional conduct includes:

1. Being under the influence, as defined in RCW 46.61.506, of alcohol, marijuana or of a controlled substance, as defined in chapter 69.50 RCW, on school premises or at a school-sponsored activity involving students, following:

- a. Notification to the education practitioner by their employer of concern regarding alcohol or substance abuse affecting job performance;
  - b. A recommendation by the employer that the education practitioner seek counseling or other appropriate and available assistance; and
  - c. The education practitioner has had a reasonable opportunity to obtain such assistance.
2. The possession, use, or consumption on school premises or at a school sponsored activity of a Schedule 1 controlled substance, as defined by the state pharmacy quality assurance commission, or a Schedule 2 controlled substance, as defined by the state pharmacy quality assurance commission, without a prescription authorizing such use.
  3. The consumption of an alcoholic beverage on school premises or at a school sponsored activity involving students if such consumption is contrary to written policy of the school district or school building.
  4. The possession of marijuana or marijuana-infused product on school premises or at a school sponsored activity involving students if such possession violates Washington law or is contrary to written policy of the school district or school building.
  5. The use or consumption of marijuana or marijuana-infused product on school.

## WAC 181-87-060 DISREGARD OR ABANDONMENT OF GENERALLY RECOGNIZED PROFESSIONAL STANDARDS

Any performance of professional practice in flagrant disregard or clear abandonment of generally recognized professional standards in the course of any of the following professional practices is an act of unprofessional conduct:

1. Assessment, treatment, instruction, or supervision of students.
2. Employment or evaluation of personnel.
3. Management of moneys or property.

## WAC 181-87-062 DIGITAL COMMUNICATION

1. Unprofessional conduct includes inappropriate digital communication with a student including, but not limited to: Cell phone, text messaging, email, instant messaging, blogging, or other social media or social network communication.
2. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

- a. The nature, purpose, timing, and amount of the communication;
- b. The subject matter of the communication;
- c. Whether the communication was made openly, or the educator attempted to conceal the communication;
- d. Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship, was sexually explicit, or involved discussion of the sexual history, activities, or preferences of either the educator or the student.

## WAC 181-87-065 ABANDONMENT OF CONTRACT FOR PROFESSIONAL SERVICES

Any permanent abandonment, constituting a substantial violation without good cause, of one of the following written contracts to perform professional services for a private school or a school or an educational service district is an act of unprofessional conduct:

1. An employment contract, excluding any extracurricular or other specific activity within such contract or any supplementary contract.
2. Professional service contract.

## WAC 181-87-070 UNAUTHORIZED PROFESSIONAL PRACTICE

1. Any act performed without good cause that materially contributes to one of the following unauthorized professional practices is an act of unprofessional practice.
  - a. The intentional employment of a person to serve as an employee in a position for which certification is required by rules of the professional educator standards board when such person does not possess, at the time of commencement of such responsibility, a valid certificate to hold the position for which such person is employed.
  - b. The assignment or delegation in a school setting of any responsibility within the scope of the authorized practice of nursing, physical therapy, or occupational therapy to a person not licensed to practice such profession unless such assignment or delegation is otherwise authorized by law, including the rules of the appropriate licensing board.
  - c. The practice with an expired, lapsed, suspended, surrendered, or revoked certificate in a position for which certification is required under Title 181 WAC of the professional educator standards board.

- d. The failure of an education practitioner to abide by the conditions within an agreement, executed under WAC 181-86-160, to not continue or to accept education employment.
  - e. The failure of an education practitioner to comply with any condition, limitation, or other order or decision entered under chapter 181-86 WAC.
2. For the purpose of this section, good cause includes, but is not limited to, exigent circumstances where immediate action is necessary to protect the health, safety, or general welfare of a student, colleague, or other affected person.

## WAC 181-87-080 SEXUAL MISCONDUCT WITH STUDENTS

As used in this chapter, "sexual misconduct with students" means:

1. Unprofessional conduct includes the commission by an education practitioner of any sexually exploitive act with or to a student including, but not limited to, the following:
  - a. Any sexual advance, verbal or physical;
  - b. Sexual intercourse as defined in RCW 9A.44.010;
  - c. Indecent exposure as defined in RCW 9A.88.010;
  - d. Sexual contact, i.e., the intentional touching of the sexual or other intimate parts of a student except to the extent necessary and appropriate to attend to the hygienic or health needs of the student;
  - e. Engaging in sexual grooming of a student, such as befriending and/or establishing a connection with a student or a student's family to lower the student's inhibitions for the purpose of a sexual relationship.
2. The provisions of this section shall not apply if at the time of the sexual conduct the participants are married to each other.

## WAC 181-87-085 FURNISHING ALCOHOL OR CONTROLLED SUBSTANCE TO STUDENTS

Unprofessional conduct includes the illegal furnishing of alcohol or a controlled substance, as defined in chapter 69.50 RCW, to any student by an education practitioner.

## WAC 181-87-090 IMPROPER REMUNERATIVE CONDUCT

Any deliberate act in the course of professional practice which requires or pressures students to purchase equipment, supplies, or services from the education practitioner in a private remunerative capacity is an act of unprofessional conduct.

## WAC 181-87-093 FAILURE TO ASSURE THE TRANSFER OF STUDENT RECORD INFORMATION OR STUDENT RECORDS

The failure of a principal or other certificated chief administrator of a public school building to make a good faith effort to assure compliance with RCW 28A.225.330 by establishing, distributing, and monitoring compliance with written procedures that are reasonably designed to implement the statute shall constitute an act of unprofessional conduct.

## WAC 181-87-095 FAILURE TO FILE A COMPLAINT

The intentional or knowing failure of an educational service district superintendent, a district superintendent, or a chief administrator of a private school to file a complaint under WAC 181-86-110 regarding the lack of good moral character or personal fitness of an education practitioner or the commission of an act of unprofessional conduct by an education practitioner is an act of unprofessional conduct.



# GOOD MORAL CHARACTER AND PERSONAL FITNESS CHAPTER 181-86 WAC

## WAC 181-86-011 VALID CERTIFICATE REQUIRED

Persons serving as teachers in the public or private schools or as principals or educational staff associates in public schools under chapter 181-79A WAC and in career and technical education positions under chapter 181-77 WAC shall hold certificates authorized by the professional educator standards board for service in the respective roles as required by statute or rules of the professional educator standards board.

Any certificate issued under chapter 181-77 or 181-79A WAC or previous standards of the professional educator standards board shall entitle the holder thereof to be employed by a public or nonpublic school for the performance of duties encompassed by the type of certificate as specified in WAC 181-79A-140 if such certification is required by statute or rules of the professional educator standards board, unless such certificate is under suspension or until such certificate expires, lapses, or is revoked or surrendered.

## WAC 181-86-013 GOOD MORAL CHARACTER AND PERSONAL FITNESS DEFINITION

As used in this chapter, the terms "good moral character and personal fitness" means character and personal fitness necessary to serve as a certificated employee in schools in the state of Washington, including character and personal fitness to have contact with, to teach, and to perform supervision of children. Good moral character and personal fitness includes, but is not limited to, the following as described in RCW 28A.400.322:

1. No conviction or plea of guilty to any felony crime occurring after July 23, 1989, and before July 26, 2009, involving:
  - a. The physical neglect of a child under chapter 9A.42 RCW;
  - b. The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, except motor vehicle violations under chapter 46.61 RCW;
  - c. Sexual exploitation of a child under chapter 9.68A RCW;

- d. Sexual offenses under chapter 9A.44 RCW where a minor is the victim;
  - e. Promoting prostitution of a minor under chapter 9A.88 RCW;
  - f. The sale or purchase of a minor child under RCW 9A.64.030;
  - g. Violation of laws of another jurisdiction that are similar to those specified in a. through f. of this subsection.
2. No conviction or plea of guilty to any felony crime, including attempts, conspiracies, or solicitations to commit a felony crime, occurring on or after July 26, 2009, involving:
- a. A felony violation of RCW 9A.88.010, indecent exposure;
  - b. A felony violation of chapter 9A.42 RCW involving physical neglect;
  - c. A felony violation of chapter 9A.32 RCW;
  - d. A violation of RCW 9A.36.011, assault 1; RCW 9A.36.021, assault 2; RCW 9A.36.120, assault of a child 1; RCW 9A.36.130, assault of a child 2; or any other felony violation of chapter 9A.36 RCW involving physical injury except assault 3 where the victim is eighteen years of age or older;
  - e. A sex offense as defined in RCW 9.94A.030;
  - f. A violation of RCW 9A.40.020, kidnapping 1; or RCW 9A.40.030, kidnapping 2;
  - g. A violation of RCW 9A.64.030, child selling or child buying;
  - h. A violation of RCW 9A.88.070, promoting prostitution 1;
  - i. A violation of RCW 9A.56.200, robbery 1; or
  - j. A violation of laws of another jurisdiction that are similar to those specified in a. through i. of this subsection.
3. No conviction of any crime within the last ten years, including motor vehicle violations, which would materially and substantially impair the individual's worthiness and ability to serve as a professional within the public and private schools of the state. In determining whether a particular conviction would materially and substantially impair the individual's worthiness and ability to practice, the following and any other relevant considerations shall be weighed:
- a. Age and maturity at the time the criminal act was committed;
  - b. The degree of culpability required for conviction of the crime and any mitigating factors, including motive for commission of the crime;
  - c. The classification of the criminal act and the seriousness of the actual and potential harm to persons or property;
  - d. Criminal history and the likelihood that criminal conduct will be repeated;

- e. The permissibility of service as a professional educator within the terms of any parole or probation;
  - f. Proximity or remoteness in time of the criminal conviction;
  - g. Any evidence offered which would support good moral character and personal fitness;
  - h. If this subsection is applied to a person certified under the laws of the state of Washington in a suspension or revocation action, the effect on the education profession, including any chilling effect, shall be weighed; and
  - i. In order to establish good moral character and personal fitness despite the criminal conviction, the applicant or education practitioner has the duty to provide available evidence relative to the above considerations. The superintendent of public instruction has the right to gather and present additional evidence which may corroborate or negate that provided by the applicant or education practitioner.
4. No behavioral problem which endangers the educational welfare or personal safety of students, teachers, colleagues, or other affected persons within the educational setting.
  5. No practice within the state of Washington within the previous five school years with an expired, lapsed, suspended, surrendered, or revoked certificate in a professional position for which certification is required under the rules of the professional educator standards board.
  6. For the purpose of this section "child" means a minor as defined by the applicable state or federal law.
  7. For the purpose of this section "conviction" shall include a guilty plea.

## WAC 181-86-014 GOOD MORAL CHARACTER AND PERSONAL FITNESS CONTINUING REQUIREMENT

The good moral character and personal fitness requirement of applicants for certification under the laws of the state of Washington is a continuing requirement for holding a professional educational certificate under rules of the professional educator standards board.

## DISCIPLINARY ACTIONS | APPEAL PROCESS | PUBLIC NOTICE

### WAC 181-86 ACTIONS BY THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION FOR ACTS OF UNPROFESSIONAL CONDUCT AND/OR LACK OF GOOD MORAL CHARACTER AND PERSONAL FITNESS

**Order of Dismissal:** The Office of Superintendent of Public Instruction will take no disciplinary actions; the case is dismissed without prejudice.

**Order of Reprimand:** Orders the certificate holder not to continue or repeat the conduct or lack good moral character or personal fitness. The certificate remains valid unless expires/lapses.

**Order of Suspension:** Suspends the education practitioner from practicing for a stated period of time. Such order may contain a requirement that the certificate holder fulfill certain conditions precedent to resuming professional practice and certain conditions subsequent to resuming professional practice.

**Order of Revocation:** An order revoking the certificate(s) of the education practitioner.

**Voluntary Surrender:** A holder of a certificate who has not received a final order for revocation may voluntarily surrender their certificate to the Office of Superintendent of Public Instruction if the certificate holder believes they might be ineligible to hold a certificate for any reason which is or might constitute grounds for a revocation of the certificate other than a conviction of a felony crime states within WAC 181-86-013(1).

**Denial Order:** A conclusion of law that the applicant does not qualify for the certificate, including renewal and reinstatement, or endorsement request.

## WAC 181-86-170 BURDEN AND STANDARD OF PROOF

The following burden and standard of proof shall be applicable:

1. If an application for certification or reinstatement has been denied for lack of good moral character or personal fitness, the evidence submitted by the applicant must prove by clear and convincing evidence that he or she is of good moral character and personal fitness or the application will be denied.
2. In a suspension or revocation proceeding, the superintendent of public instruction must prove by clear and convincing evidence that the education practitioner is not of good moral character or personal fitness or has committed an act of unprofessional conduct.
3. In all other proceedings, including reprimand, the standard of proof shall be a preponderance of evidence.

## WAC 181-86-140 APPEAL - GENERAL

Any person who applies directly to the superintendent of public instruction for a certificate, particular endorsement, certificate renewal, or certificate reinstatement whose application is denied or any person who is notified that their certificate is suspended or revoked or that a reprimand order has been issued shall be advised that they are entitled to appeal that decision to the superintendent of public instruction if they follow the procedures established in this chapter.

The appeal procedure may not be used to seek reinstatement of a certificate if that certificate has been revoked in the preceding twelve months by the superintendent of public instruction.

The appeal procedure to the superintendent of public instruction consists of two levels, one informal and one formal. The use of the informal level is a condition precedent to use of the formal level. In addition, RCW 34.05.570 provides for judicial review of such decisions.

## WAC 181-86-145 APPEAL PROCEDURE - INFORMAL SPI REVIEW

Any person who appeals the decision or order to deny ((his or her)) their application, the issuance of a reprimand, or the order to suspend or revoke ((his or her)) their certificate must file a written notice with the superintendent of public instruction within thirty calendar

days following the date of postmarked mailing or other notification, whichever is earlier, from the section of the superintendent of public instruction's office responsible for certification of the decision or order. A written notice of appeal is deemed filed upon actual receipt during office hours by the section of the superintendent of public instruction's office responsible for certification of the decision or order.

The written notice must set forth the reasons why the appellant believes their application should have been granted or why their certificate should not be suspended or revoked, or why the reprimand should not be issued whichever is applicable.

Following timely notice of appeal, the superintendent of public instruction shall appoint a review officer who shall proceed as follows:

1. If the appeal does not involve good moral character, personal fitness, or unprofessional conduct, the review officer shall review the application and appeal notice and may request further written information including, but not limited to, an explanation from the person or persons who initially reviewed the application of the reason(s) why the application was denied. If the review officer deems it advisable, they shall schedule an informal meeting with the appellant, the person or persons who denied the application, and any other interested party designated by the review officer to receive oral information concerning the application. Any such meeting must be held within thirty calendar days of the date of receipt by the superintendent of public instruction of the timely filed appeal notice.
2. If the appeal involves good moral character, personal fitness, or acts of unprofessional conduct, the review officer shall schedule an informal meeting of the applicant or education practitioner, the office of superintendent of public instruction, and/or counsel for the applicant or education practitioner with the admissions and professional conduct advisory committee. Such meeting shall be scheduled in accordance with the calendar of meetings of the advisory committee. However, the notice of appeal must be received at least thirty calendar days in advance of a scheduled meeting.
3. Send by certified mail a written decision (i.e., findings of fact and conclusions of law) on the appeal within thirty calendar days from the date of post-marked mailing the timely filed appeal notice or informal meeting, whichever is later. The review officer may uphold, reverse, or modify the decision to deny the application, the order to reprimand, or the order to suspend or revoke the certificate.

4. The timelines stated herein may be extended by the review officer for cause.
5. In the case of an action for suspension or revocation of a certificate, the review officer, if so requested by an appellant, shall delay any review under this section until all quasi-judicial administrative or judicial proceedings (i.e., criminal and civil actions), which the review officer and the appellant agree are factually related to the suspension or revocation proceeding, are completed, including appeals, if the appellant signs the agreement stated in WAC 181-86-160. In requesting such delay, the appellant shall disclose fully all pending quasi-judicial administrative proceedings in which the appellant is involved.
6. Forms of written notice accepted will be as published by the superintendent of public instruction.

## WAC 181-86-150 APPEAL PROCEDURE - FORMAL SPI REVIEW

Formal appeals to the superintendent of public instruction shall be provided as follows:

1. Any person who has filed an appeal in accordance with WAC 181-86-140 and desires to have the decision of the review officer formally reviewed by the superintendent of public instruction may do so. To instigate review under this section, a person must file a written notice with the superintendent of public instruction within thirty calendar days following the date of post-marked mailing of the review officer's written decision. A written notice of appeal is deemed filed upon actual receipt during office hours by the section of the superintendent of public instruction's office responsible for certification of the decision or order.
2. For purposes of hearing an appeal under this section, the superintendent of public instruction shall conduct a formal administrative hearing in conformance with the Administrative Procedure Act, chapter 34.05 RCW. The superintendent of public instruction, in carrying out this duty, may contract with the office of administrative hearings under RCW 28A.300.120 to hear a particular appeal. Decisions in cases formally appealed under this section may be made by the administrative law judge selected by the chief administrative law judge if the superintendent of public instruction delegates this authority under RCW 28A.300.120.
3. The decision of the superintendent of public instruction or the administrative law judge, whichever is applicable, shall be sent by certified mail to the appellant's last known

address and if the decision is to reprimand, suspend, or revoke, the appellant shall be notified that such order takes effect upon signing of the final order.

The superintendent of public instruction or the administrative law judge, whichever is applicable, may uphold, reverse, or modify the decision to deny the application, the order to reprimand, or the order to suspend or revoke the certificate.

4. Forms of written notice accepted will be as published by the superintendent of public instruction.

## WAC 181-86-185 PUBLIC NOTICE AND REPORT

The superintendent of public instruction shall notify all other states whenever an applicant has been denied a certificate for failure to possess good moral character or personal fitness or whenever a certificate has been suspended, surrendered, or revoked and shall provide the full name and certificate number, if applicable, to the agency responsible for certification in each state. The superintendent of public instruction shall notify appropriate public or private school officials within the state the name and certification number of all education practitioners whose certificates have been suspended, surrendered, or revoked.

# HOW TO FILE A COMPLAINT?

## HOW TO FILE A COMPLAINT AGAINST A SCHOOL EMPLOYEE

A written complaint must first be filed with the school district superintendent, educational service district superintendent, or the private school administrator, stating the grounds and factual basis for the complaint.

The Office of Superintendent of Public Instruction has authority to investigate certificated school district employees for acts of unprofessional conduct or lack of good moral character or personal fitness. When an educational service district superintendent, school district superintendent, or the chief administrator of an approved private school possess sufficient reliable information to believe a certificated employee within such educational service district, school district or private school is not of good moral character or personally fit or has committed an act of unprofessional conduct (WAC 181-87), such superintendent or chief administrator, within a reasonable period of time after making such determination, shall file a written complaint with the Office of Superintendent of Public Instruction.

## COMPLAINTS ALLEGING PHYSICAL ABUSE OR SEXUAL MISCONDUCT RCW 28A.410.090 (2)

A parent or another person may file a written complaint with the superintendent of public instruction alleging physical abuse or sexual misconduct by a certificated school employee if:

1. The parent or other person has already filed a written complaint with the educational service district superintendent concerning that employee;
2. The educational service district superintendent has not caused an investigation of the allegations and has not forwarded the complaint to the superintendent of public instruction for investigation; and
3. The written complaint states the grounds and factual basis upon which the parent or other person believes an investigation should be conducted.

## WAC 181-86-110 DUTY OF ESD SUPERINTENDENT, DISTRICT SUPERINTENDENT AND PRIVATE SCHOOL ADMINISTRATOR TO FILE COMPLAINTS

1. When an educational service district superintendent, a district superintendent, chief administrative officer of a charter school, or the chief administrative officer of an approved private school possesses sufficient reliable information to believe that a certificated employee within such district or approved private school is not of good moral character or personally fit or has committed an act of unprofessional conduct, such superintendent or chief administrative officer, within a reasonable period of time of making such determination, shall file a written complaint with the superintendent of public instruction.
2. If an educational service district, charter school, or school district is considering action to discharge an employee of such district, the educational service district, charter school, or school district superintendent need not file such complaint until ten calendar days after making the final decision to serve or not serve formal notice of discharge.

# MANDATORY REPORTING

## MANDATORY REPORTING (RCW 26.44.030)

When any professional school personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she SHALL report such incident or cause a report to be made to the proper law enforcement agency or to the Department of Social and Health Services within 48 hours.

## DUTY TO REPORT PHYSICAL ABUSE OR SEXUAL MISCONDUCT BY SCHOOL EMPLOYEES (RCW 28A.400.317)

A certificated or classified school employee who has knowledge or reasonable cause to believe that a student has been a victim of physical abuse or sexual misconduct by another school employee, shall report such abuse or misconduct to the appropriate school administrator. The school administrator shall cause a report to be made to the proper law enforcement agency if he or she has reasonable cause to believe that the misconduct or abuse has occurred as required under RCW 26.44.030. During the process of making a reasonable cause determination, the school administrator shall contact all parties involved in the complaint.

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