

**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.

[Statutory Authority: Chapter 28A.410 RCW. WSR 21-08-022, § 181-86-013, filed 3/29/21, effective 4/29/21. Statutory Authority: RCW 28A.410.210. WSR 15-11-069, § 181-86-013, filed 5/19/15, effective 6/19/15; WSR 06-14-010, § 181-86-013, filed 6/22/06, effective 7/23/06. WSR 06-02-051, recodified as § 181-86-013, filed 12/29/05, effective 1/1/06. Statutory Authority: RCW 28A.150.290(1). WSR 02-19-050, § 180-86-013, filed 9/11/02, effective 10/12/02. Statutory Authority: RCW 28A.410.010. WSR 97-04-082, recodified as § 180-86-013, filed 2/5/97, effective 3/8/97. Statutory Authority: RCW 18A.410.010 [28A.410.010] and 28A.70.005. WSR 92-01-127, § 180-75-081, filed 12/19/91, effective 1/19/92. Statutory Authority: RCW 28A.70.005. WSR 90-02-073, § 180-75-081, filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 34.05.220(A) [34.05.220 (1)(a)] and 34.05.250. WSR 89-22-010, § 180-75-081, filed 10/20/89, effective 11/20/89. Statutory Authority: RCW 28A.70.005. WSR 87-09-010 (Order 2-87), § 180-75-081, filed 4/3/87.]