



SUPERINTENDENT OF PUBLIC INSTRUCTION

Chris Reykdal Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

IN THE MATTER OF THE EDUCATION)	
CERTIFICATE OF)	OPP No. D20-10-057
)	
DANIEL SCHENK)	FINAL ORDER
Certificate No. 364403F)	OF MANDATORY
)	PERMANENT REVOCATION
)	

After receiving and investigating a complaint from the Ocean Beach School District (School District) regarding the above referenced Educator, the Superintendent of Public Instruction, through his undersigned designee, institutes this proceeding and finds that DANIEL SCHENK (Educator) has been convicted of a crime listed in Revised Code of Washington (RCW) 28A.400.322 and per RCW 28A.410.090(4) does hereby PERMANENTLY REVOKE the Educator's Washington Education Certificate No. 364403F, based on the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. On September 10, 1998, the Educator was issued Washington Education Certificate No. 364403F. The Educator's certificate does not have an expiration date.
2. During the 2019–2020 school year, the Educator was employed by the School District at Ocean Park Elementary School as an elementary school teacher.
3. On October 16, 2020, the Office of Professional Practices (OPP) within the Office of Superintendent of Public Instruction (OSPI) received a complaint from Amy Huntley, the Superintendent of the School District, alleging that the Educator had been arrested for a felony sex crime involving minors.

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4. In February of 2020, the Educator uploaded videos of minors engaged in depictions of sexually explicit conduct to an internet application, Kik.
5. On October 15, 2020, the Educator was arrested by Washington State Patrol (WSP) detectives and booked into Pacific County Jail for Possession of Depictions of Minors Engaged in Sexually Explicit Conduct, RCW 9.68A.070, and Dealing in Depictions of Minors Engaged in Sexually Explicit Conduct, RCW 9.68A.050.
6. On October 16, 2020, an Information and Declaration of Probable Cause were filed in Pacific County Superior Court charging the Educator with one (1) count of Possession of Depictions of Minors Engaged in Sexually Explicit Conduct, RCW 9.68A.070, and one (1) count of Dealing in Depictions of Minors Engaged in Sexually Explicit Conduct, RCW 9.68A.050.
7. On November 19, 2021, an Amended Information was filed in Pacific County Superior Court removing the original charges and replacing them with two (2) counts of Viewing Depictions of a Minor Engaged in Sexually Explicit Conduct 2nd Degree, RCW 9.68A.075(2).
8. On November 19, 2021, a Statement of Defendant on Plea of Guilty to Sex Offense was filed in Pacific County Superior Court wherein the Educator pleaded guilty to all charges in the Amended Information.
9. On May 20, 2022, a Felony Judgment and Sentence, Jail One Year or Less was filed in Pacific County Superior Court. The Educator was found guilty, by plea, of two (2) counts of Viewing Depictions of a Minor Engaged in Sexually Explicit Conduct 2nd Degree, RCW 9.68A.075(2). The Educator was sentenced to six (6) months of confinement in the Pacific County Jail, community custody supervision for twelve (12) months, \$600 total legal obligations, and sex offender registration.

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10. RCW 9.96A.075, Viewing Depictions of Minors Engaged in Sexually Explicit Conduct 2nd Degree is a sex offense under RCW 9.94A.030(47) and is a crime against a child under RCW 28A.400.322(2)(e). Such a plea or conviction requires OSPI to PERMANENTLY REVOKE the Educator's Washington Education Certificate No. 364403F pursuant to RCW 28A.410.090(4).

II. CONCLUSIONS OF LAW

1. Chapter 28A.410 RCW gives the Professional Educator Standards Board the authority to develop regulations determining eligibility for and certification of personnel employed in the common schools of the state of Washington. OSPI acts as the administrator of those statutes and regulations and has the authority to issue, reprimand, suspend, and revoke education certificates. RCW 28A.410.010; RCW 28A.410.090. Chapters 181-86 and 181-87 of the Washington Administrative Code (WAC) further implement OSPI's authority.

2. OSPI has jurisdiction over the Educator and the subject matter of this action.

3. Pursuant to WAC 181-86-070, there is clear and convincing evidence the Educator has pleaded guilty to or has been convicted of a crime specified in RCW 28A.410.090(4).

4. Pursuant to RCW 28A.410.090(4) and, WAC 181-86-013(2), plea of guilty or a conviction of Viewing Depictions of Minors Engaged in Sexually Explicit Conduct 2nd Degree, RCW 9.68A.075(2) "bars the certificate holder from any future practice as an education practitioner" authorizes mandates OSPI to permanently revoke the Educator's certificate.

5. Pursuant to WAC 181-86-013(4), and, there is clear and convincing evidence the Educator has a behavioral problem that endangers the educational welfare or personal safety of students.

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6. Pursuant to WAC 181-86-080, eleven factors, at a minimum, are to be considered to determine the appropriate level and range of educator discipline:

- (1) The seriousness of the act(s) and the actual or potential harm to persons or property;
- (2) The person's criminal history including the seriousness and amount of activity;
- (3) The age and maturity level of participant(s) at the time of the activity;
- (4) The proximity or remoteness of time in which the acts occurred;
- (5) Any activity that demonstrates a disregard for health, safety or welfare;
- (6) Any activity that demonstrates a behavioral problem;
- (7) Any activity that demonstrates a lack of fitness;
- (8) Any information submitted regarding discipline imposed by any governmental or private entity as a result of acts or omissions;
- (9) Any information submitted that demonstrates aggravating or mitigating circumstances;
- (10) Any information submitted to support character and fitness; and
- (11) Any other relevant information submitted.

7. Based on the foregoing facts, and considering them in light of the eleven factors enumerated in WAC 181-86-080, and in light of WAC 181-86-075, RCW 28A.410.090(4), and WAC 181-86, the Educator's education certificate should be permanently revoked for demonstrating a lack of good moral character and personal fitness pursuant to WAC 181-86-013(2), and (4), and committing a felony crime under RCW 28A.410.090(4) which bars the Educator from any future practice as an educator.

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III. ORDER

THEREFORE, it is hereby ordered that the Washington Education Certificate No. 364403F of DANIEL SCHENK is **PERMANENTLY REVOKED**.

DATED this 17th day of November, 2022.

CHRIS REYKDAL
Superintendent of Public Instruction
State of Washington

Signed: Matthew A. Schultz
Chief Legal and Civil Rights Officer