

**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 certificate holder 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.

[WSR 06-02-051, recodified as § 181-86-170, filed 12/29/05, effective 1/1/06. Statutory Authority: RCW 28A.150.290(1). WSR 02-19-050, § 180-86-170, filed 9/11/02, effective 10/12/02. Statutory Authority: RCW 28A.70.005. WSR 90-02-076, § 180-86-170, filed 1/2/90, effective 2/2/90.]