

**WAC 392-144-130 Discipline—Grounds for denial, suspension, or revocation of authorization—Emergency suspension—Appeals—Adjudicative proceedings.** (1) **Burden of proof.** A request for an authorization may be denied or an authorization issued under this chapter may be suspended or revoked for failure to meet any of the minimum requirements set forth in WAC 392-144-101 and 392-144-102 or for disqualifying conditions set forth in WAC 392-144-103, established by a preponderance of the evidence.

(2) **Grounds for denial, suspension, or revocation of authorization.**

(a) A behavioral problem or professional misconduct, which endangers the educational welfare or personal safety of students, teachers, school bus drivers, or other colleagues is grounds for denial, suspension, or revocation whether or not the conduct constitutes a crime. The employing local education agency shall determine if the behavioral problem or professional misconduct is a condition precedent to denial, suspension, or revocation action.

(b) Upon a conviction, the judgment and sentence is conclusive evidence at the ensuing hearing of the guilt of the authorized driver or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based.

(3) **Court-ordered treatment program.**

(a) Any person in a court-ordered treatment program for alcohol or other drug misuse shall have his or her authorization suspended until treatment is satisfactorily completed and the completion is confirmed by a state-approved alcohol or drug treatment program at which time the authorization will be reinstated.

(b) In all cases of deferred prosecution under chapter 10.05 RCW, the authorization shall be suspended until the court confirms successful completion of the court approved treatment program at which time the authorization will be reinstated.

(4) **Emergency suspension.** If the superintendent finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, emergency suspension of an authorization may be ordered pending proceedings for revocation or other action. In such cases, the superintendent shall expedite all due process actions as quickly as possible.

(5) **Appeals and adjudicative proceedings.**

(a) Any person desiring to appeal a denial, suspension, or revocation of a school bus driver authorization may do so to the superintendent or designee in accordance with the adjudicative proceedings in RCW 34.05.413 through 34.05.494, and the administrative practices and procedures of the superintendent in chapter 392-101 WAC.

(b) The superintendent may assign the adjudicative proceeding to the office of administrative hearings and may delegate final decision-making authority to the administrative law judge conducting the hearing.

(c) The superintendent may appoint a person to review initial orders and to prepare and enter final agency orders in accordance with RCW 34.05.464.

(d) Any person who disagrees with the local education agency's determination of failure to meet any school bus driver authorization qualifications may request that the local education agency forward the pertinent records to the superintendent. After review or investigation, the superintendent shall grant, deny, suspend, or revoke the authorization.

[Statutory Authority: RCW 28A.160.210. WSR 19-16-092, § 392-144-130, filed 8/1/19, effective 9/1/19; WSR 14-09-031, § 392-144-130, filed 4/9/14, effective 9/1/14; WSR 08-19-017, § 392-144-130, filed 9/5/08, effective 10/6/08. Statutory Authority: RCW 28A.160.210 and 2006 c 263 § 906. WSR 06-15-010, amended and recodified as § 392-144-130, filed 7/6/06, effective 8/6/06. Statutory Authority: RCW 28A.160.210. WSR 05-19-107, § 180-20-120, filed 9/20/05, effective 10/21/05; WSR 02-18-055, § 180-20-120, filed 8/28/02, effective 9/28/02; WSR 99-08-004, § 180-20-120, filed 3/25/99, effective 4/25/99; WSR 96-20-042, § 180-20-120, filed 9/24/96, effective 10/25/96; WSR 93-08-007, § 180-20-120, filed 3/24/93, effective 4/24/93.]