

WAC 181-86-150 Appeal procedure—Formal SPI review process.

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 modify the decision to deny the application, the order to reprimand, or the order to suspend or revoke the certificate. Modifying the decision may include upholding, reversing, decreasing, or increasing the discipline, including changing the level of discipline imposed.

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

[Statutory Authority: Chapter 28A.410 RCW. WSR 21-20-079, § 181-86-150, filed 9/30/21, effective 10/31/21; WSR 21-08-022, § 181-86-150, filed 3/29/21, effective 4/29/21. Statutory Authority: RCW 28A.410.210. WSR 13-20-029, § 181-86-150, filed 9/23/13, effective 10/24/13; WSR 11-14-112, § 181-86-150, filed 7/6/11, effective 8/6/11; WSR 06-14-010, § 181-86-150, filed 6/22/06, effective 7/23/06. WSR 06-02-051, recodified as § 181-86-150, filed 12/29/05, effective 1/1/06. Statutory Authority: RCW 28A.410.010. WSR 92-15-037, § 180-86-150, filed 7/9/92, effective 8/9/92. Statutory Authority: RCW 28A.70.005. WSR 90-02-076, § 180-86-150, filed 1/2/90, effective 2/2/90.]