

Chapter 392-101 WAC

SUPERINTENDENT OF PUBLIC INSTRUCTION— ADMINISTRATIVE PRACTICES AND PROCEDURES

WAC

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Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-08 WAC, entitled Practice and procedure, has been superseded by chapter 392-101 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes relative thereto.

WAC 392-101-001 Authority. The authority for this chapter is RCW 34.05.220 which authorizes the superintendent of public instruction to adopt rules governing the formal and informal procedures prescribed or authorized by chapter 34.05 RCW.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-101-001, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 34.04.020. 83-17-057 (Order 83-5), § 392-101-001, filed 8/17/83.]

WAC 392-101-005 Administrative practices regarding hearings and rule proceedings. The superintendent of public instruction is governed by the state Administrative Procedure Act, chapter 34.05 RCW, the Washington State Register Act, chapter 34.08 RCW, and the state office of Administrative Hearings Act, chapter 34.12 RCW. These acts govern the conduct of "rule" making proceedings and the conduct of "contested case" hearings as these terms are defined in RCW 34.05.010 (2) and (3). Appearances in representative capacities before the superintendent of public instruction; the procedures and conditions governing petitions for declaratory rulings or the adoption, amendment, or repeal of a rule; and, the standards, procedures and conditions governing the conduct of contested case hearings and proceedings by or before the superintendent of public instruction shall be as set forth in rules of the state code reviser and the office of administrative hearings as now or hereafter amended. The rules of the code reviser are currently set forth in chapters 1-08 and 1-21 WAC. The rules of the office of administrative hearings are currently set forth in chapter 10-08 WAC.

All other regulatory actions and hearings conducted by the superintendent of public instruction may be conducted informally at the discretion of the superintendent.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-101-005, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 34.04.020. 83-17-057 (Order 83-5), § 392-101-005, filed 8/17/83; Order 7-75, § 392-100-005, filed 12/22/75.]

WAC 392-101-010 Conduct of administrative hearings. The superintendent of public instruction hereby assigns the following administrative hearings to the office of admin-

istrative hearings and hereby delegates to the administrative law judge conducting any such hearing the authority to render the final decision by the superintendent of public instruction:

(1) Nonresident transfer appeals pursuant to WAC 392-137-055(2).

(2) Special education hearings pursuant to WAC 392-171-531.

(3) Equal educational opportunity complaints pursuant to WAC 392-190-075.

(4) Professional certification appeals pursuant to WAC 180-75-030.

(5) Child care food program and summer food service program appeals pursuant to 7 C.F.R. Parts 225 and 226.

(6) Traffic safety education appeals pursuant to WAC 392-153-005 through 392-153-040.

(7) Bus driver authorization appeals pursuant to chapter 392-144 WAC.

[Statutory Authority: RCW 42.20.100 [46.20.100(2)]. 08-22-035, § 392-101-010, filed 10/30/08, effective 11/30/08. Statutory Authority: RCW 46.20.100(2) and chapter 28A.220 RCW. 91-18-007 (Order 91-17), § 392-101-010, filed 8/23/91, effective 9/23/91. Statutory Authority: RCW 34.04.020. 89-17-067 (Order 89-07), § 392-101-010, filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.03.500. 87-10-013 (Order 87-5), § 392-101-010, filed 4/28/87.]

WAC 392-101-015 Determination of indigency—Provision of free transcript. A determination of indigency shall be made for all persons wishing the provision of a free transcript of proceedings pursuant to the following standards:

(1) Any person(s) receiving one or more of the following type of public assistance: Aid to families with dependent children, general assistance, poverty related veterans' benefits, food stamps, refugee resettlement benefits, medicaid, or supplementary security income.

(2) Any person(s) receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level.

