

**WAC 170-03-0020 Definitions.** The following definitions apply to this chapter:

(1) "**Adjudicative proceeding**" means a hearing before an administrative law judge concerning an appeal of department action pursuant to RCW 43.215.305.

(2) "**Administrative law judge**" or "**ALJ**" means an impartial decision-maker who is an attorney and presides at an administrative hearing. The office of administrative hearings (OAH), which is a state agency, employs the ALJs.

(3) "**Business days**" means all days except Saturdays, Sundays and legal holidays.

(4) "**Calendar days**" means all days including Saturdays, Sundays and legal holidays.

(5) "**Case**" means the entire proceeding following the filing of a request for hearing with OAH.

(6) "**Continuance**" means a change in the date or time of a pre-hearing conference, hearing or deadline for other action.

(7) "**DEL**" or "**department**" means the department of early learning.

(8) "**Documents**" means papers, letters, writings, or other printed or written items.

(9) "**Ex parte contact**" means a written or oral communication with an ALJ or review judge about something related to the hearing when the other parties are not present. Procedural questions are not considered an ex parte contact. Examples of procedural questions include clarifying the hearing date, time, or location or asking for directions to the hearing location.

(10) "**Final order**" means an order that is the final DEL decision. An ALJ's initial order becomes a final order if the ALJ's initial order is not appealed to a review judge. If an ALJ's initial order is appealed to a review judge, the review judge's order is DEL's final decision.

(11) "**Good cause**" means a substantial reason or legal justification for an action or for failing to appear, act, or respond to an action required under these rules.

(12) "**Hearing**" means a proceeding before OAH that gives an aggrieved party an opportunity to be heard in disputes resulting from actions taken against the party by DEL. For purposes of this chapter, hearings include administrative hearings, adjudicative proceedings, and any other similar term referenced under chapter 34.05 RCW, the Administrative Procedure Act, Title 170 of the Washington Administrative Code, chapter 10-08 WAC, or other law.

(13) "**Initial order**" is a decision made by an ALJ that may be reviewed by a review judge.

(14) "**OAH**" means the office of administrative hearings. This is a separate agency and not part of DEL.

(15) "**Party**" means a person or entity to whom a DEL adverse action is directed and who has a right to be involved in the hearing process. DEL also is a party.

(16) "**Representative**" means the person selected by a party to represent that party in an administrative hearing. "**Lay representative**" means a person or advocate who is assisting a party in presenting that party's case in administrative hearings. "**DEL representative**" means an employee of DEL, a DEL contractor, or an employee of the office of the attorney general authorized to represent DEL in an administrative hearing.

(17) "**Record**" means the official documentation of the hearing process. The record includes tape recordings or transcripts, admitted

exhibits, decisions, briefs, notices, orders, and other filed documents.

(18) "**Review**" means the act of reviewing initial orders and issuing the DEL final order as provided by RCW 34.05.464.

(19) "**Review judge**" means an attorney employed by or designated by DEL to act as the reviewing officer and who is authorized to review initial orders and to prepare and enter the final agency order.

(20) "**Rule**" means a state regulation, including a licensing standard. Rules are found in the Washington Administrative Code (WAC).

(21) "**Stay**" means an order temporarily halting the DEL decision or action.

(22) Words of command such as "**will**," "**shall**," and "**must**" are words that impose a mandatory obligation on a participant in the hearing process. The word "**may**" is used when referring to a discretionary act to be taken by a participant in the hearing process.

[Statutory Authority: RCW 43.215.070 and chapter 43.215 RCW. WSR 15-24-069, § 170-03-0020, filed 11/25/15, effective 12/26/15. Statutory Authority: Chapter 43.215 RCW, RCW 34.05.220, chapter 34.05 RCW, 2006 c 265. WSR 08-06-102, § 170-03-0020, filed 3/5/08, effective 4/5/08.]