

Chapter 392-101 WAC
SUPERINTENDENT OF PUBLIC INSTRUCTION—ADMINISTRATIVE PRACTICES AND PROCEDURES

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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of public instruction Order 7-75, on December 22, 1975, chapter 392-08 WAC, entitled Practice and procedure, has been superseded by chapter 392-101 WAC.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 office of 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 and 28A.225.230. WSR 20-08-135, § 392-101-001, filed 4/1/20, effective 5/2/20. Statutory Authority: RCW 34.05.220 [(1)](a). WSR 89-23-001 (Order 15), § 392-101-001, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 34.04.020. WSR 83-17-057 (Order 83-5), § 392-101-001, filed 8/17/83.]

WAC 392-101-005 Administrative practices regarding hearings and rule proceedings. (1) Administrative practices before and pertaining to the office of superintendent of public instruction are 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 "agency action," "adjudicative proceedings," and "rule making" as these terms are defined in RCW 34.05.010. The rules of the state code reviser provided in chapter 1-21 WAC, and as hereafter amended, and the rules of the office of administrative hearings provided in chapter 10-08 WAC, and as hereafter amended, shall govern procedures and practices before the superintendent of public instruction for the following: Petitions for declaratory rulings; petitions for adoption, amendment, or repeal of a rule; and the conduct of adjudicative proceedings. All other regulatory actions and hearings conducted by the office of superintendent of public instruction may be conducted informally at the discretion of the superintendent.

[Statutory Authority: RCW 34.05.220 and 28A.225.230. WSR 20-08-135, § 392-101-005, filed 4/1/20, effective 5/2/20. Statutory Authority: RCW 34.05.220 [(1)](a). WSR 89-23-001 (Order 15), § 392-101-005, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 34.04.020. WSR 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 office of superintendent of public instruction hereby assigns the following administrative hearings to the office of administrative 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 chapter 392-137 WAC.
- (2) Special education hearings pursuant to chapter 392-172A WAC or as amended.
- (3) Equal educational opportunity complaints pursuant to WAC 392-190-079.
- (4) Professional certification appeals pursuant to WAC 181-86-150.
- (5) National school lunch program, special milk program for children, school breakfast program, summer food service program, and child and adult care food program appeals pursuant to 7 C.F.R. Parts 210, 215, 220, 225 and 226.
- (6) Traffic safety education appeals pursuant to WAC 392-153-001 through 392-153-070.
- (7) Bus driver authorization appeals pursuant to chapter 392-144 WAC.
- (8) Audit resolution appeals of agency management decisions regarding resolution of state and federal audit findings pursuant to chapter 392-115 WAC.
- (9) Appeals of enforcement actions withholding or recovering funds, in whole or in part, taken as a result of consolidated program reviews of federal programs conducted in accordance with 34 C.F.R. Sections 80.40 and 80.43.

[Statutory Authority: RCW 34.05.220 and 28A.225.230. WSR 20-08-135, § 392-101-010, filed 4/1/20, effective 5/2/20. Statutory Authority: RCW 34.05.220. WSR 15-15-107, § 392-101-010, filed 7/16/15, effective 8/16/15. Statutory Authority: RCW 28A.150.305. WSR 13-18-077, § 392-101-010, filed 9/3/13, effective 10/4/13. Statutory Authority: RCW 42.20.100 [46.20.100(2)]. WSR 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. WSR 91-18-007 (Order 91-17), § 392-101-010, filed 8/23/91, effective 9/23/91. Statutory Authority: RCW 34.04.020. WSR 89-17-067 (Order 89-07), § 392-101-010, filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.03.500. WSR 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 receiving one or more of the following types of public assistance programs:
 - (a) Temporary assistance for needy families;
 - (b) Aged, blind, or disabled assistance benefits;
 - (c) Medical care services under RCW 74.09.035;
 - (d) Pregnant women assistance benefits;
 - (e) Poverty-related veterans' benefits;
 - (f) Food stamps or food stamp benefits transferred electronically;
 - (g) Refugee resettlement benefits;
 - (h) Medicaid; or
 - (i) Supplemental security income.
- (2) Any person receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level.

[Statutory Authority: RCW 34.05.220 and 28A.225.230. WSR 20-08-135, § 392-101-015, filed 4/1/20, effective 5/2/20. Statutory Authority: RCW 34.04.020 [34.05.220]. WSR 91-02-095 (Order 49), § 392-101-015, filed 1/2/91, effective 2/2/91.]