

WSR 25-01-150
PROPOSED RULES
CENTER FOR DEAF AND
HARD OF HEARING YOUTH
[Filed December 18, 2024, 8:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR [24-18-074].

Title of Rule and Other Identifying Information: Practice and procedure; brief adjudicative procedure, WAC 148-108-100.

Hearing Location(s): On January 31, 2025, at 10:00 a.m., at 611 Grand Boulevard, Bilyeu Room CH150, Vancouver, WA 98661; or Zoom <https://us02web.zoom.us/j/89254644823?from=addon>.

Date of Intended Adoption: January 31, 2025.

Submit Written Comments to: Erica Rader, 611 Grand Boulevard, Vancouver, WA 98661, email erica.rader@cdhy.wa.gov, fax 360-696-6291, phone 360-418-0401, beginning December 23, 2024, at 8:00 a.m., by January 30, 2025, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Erica Rader, phone 360-418-0401, fax 360-696-6291, email erica.rader@cdhy.wa.gov, by January 30, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Center for Deaf and Hard of Hearing Youth (agency) is updating the rules regarding practice and procedure, chapter 148-108 WAC.

Reasons Supporting Proposal: The proposed amendments modify, clarify, and update the rules regarding practice and procedure including student conduct hearings and appeals. The proposed amendments include changes to incorporate legal requirements and help ensure that the students' rights are well protected throughout the process.

Statutory Authority for Adoption: RCW 34.05.010(16), 72.42.041(2), 72.40.0191(12), 72.40.0191(17).

Statute Being Implemented: RCW 72.42.041(2), 72.40.0191(12), 72.40.0191(17).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Center for Deaf and Hard of Hearing Youth, governmental.

Name of Agency Personnel Responsible for Drafting: Shelley Williams, Assistant Attorney General, 1220 Main Street, Suite 510, Vancouver, WA 98660, 360-619-4412; Implementation: Piper Gallucci, Vice Principal, 611 Grand Boulevard, Vancouver, WA 98661, 253-271-9021; and Enforcement: Shannon Graham, Principal, 611 Grand Boulevard, Vancouver, WA 98661, 360-334-5775.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.05.328 (5)(a)(i), this agency is not mandated to comply with RCW 34.05.328. Further, the agency does not voluntarily make that section applicable to the adoption of this rule pursuant to subsection (5)(a)(ii), and to date the joint administrative rules committee has not made that section applicable to the adoption of this rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules adopt, amend, or repeal a procedure, practice, or requirement relating to

agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

Explanation of exemptions: The amendments to the practice and procedure rules only apply to students at the Washington School for the Deaf, and therefore do not effect business or commerce in any way.

Scope of exemption for rule proposal:

Is fully exempt.

December 18, 2024
Shauna Bilyeu
Executive Director

OTS-5993.1

AMENDATORY SECTION (Amending WSR 90-16-013, filed 7/19/90, effective 8/19/90)

WAC 148-108-100 Brief adjudicative procedure. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used ((in all matters related)), unless provided otherwise by another rule or determined otherwise in a particular case by the director, in regard to:

(1) Student conduct ~~((~~or~~))~~ disciplinary proceedings ~~((pursuant to chapter 148-120 WAC))~~ involving in-school suspension or suspensions of 10 instructional days or less and any conditions or terms placed on a student;

(2) Amendment of education records pursuant to WAC 148-280-030;
and

(3) Residency determinations made pursuant to WAC 148-130-040.