



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/1/89)

Agency: Washington State School for the Blind

- Permanent Rule
 Emergency Rule

(1) Date of adoption: June 14, 1990

(2) Purpose: To substantially adopt the model rules of procedure set forth by the chief administrative law judge.

(3) Citation of existing rules affected by this order: none

Repealed:

Amended:

Suspended:

(4) Authority for adoption:

Statute: RCW 72.40.022

Other Authority: RCW 34.05.220(1)(a) and 34.05.250.

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 90-10-102 on May 2, 1990 (date).

Describe any changes other than editing from proposed to adopted version: none

(5.2) EMERGENCY RULE ONLY

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If yes, explain:

(6) Effective date of rule:

Permanent Rules

30 days after filing

Other (specify) _____ *

*(If less than 30 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Emergency Rules

Immediately

Later (specify) _____

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUL 19 1990

TIME 4:07

BY 90-16-009

NAME (TYPE OR PRINT)

Dr. Roy J. Brothers

SIGNATURE

Roy J. Brothers

TITLE

Superintendent

DATE

6/19/90

Chapter 72-108 WAC
PRACTICE AND PROCEDURE

NEW SECTION

WAC 72-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at the school, with the following exception: WAC 10-08-190 Adjudicative proceedings--Cameras--Recording devices. See WAC 72-108-090 which determines the use of cameras and recording devices at adjudicative proceedings. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by the school shall govern.

NEW SECTION

WAC 72-108-020 APPOINTMENT OF PRESIDING OFFICERS. Unless the hearing is assigned to the office of administrative hearings, the superintendent or the superintendent's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the superintendent or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the superintendent or the superintendent's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 72-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 72-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address:

Washington State School for the Blind
2214 East 13th Street, S-27
Vancouver, Washington 98661

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action

giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 72-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 72-108-070 CONFIDENTIALITY OF FORMAL ADJUDICATIVE PROCEEDINGS. In formal adjudicative proceedings, the presiding officer shall have the power to close all or part of the hearing to public observation. The presiding officer shall have the power to impose reasonable conditions upon observation of the proceeding and regulate the use of photographic and recording equipment to preserve confidentiality.

NEW SECTION

WAC 72-108-080 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

NEW SECTION

WAC 72-108-090 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 72-108-070, except for the method of official recording selected by the school.

NEW SECTION

WAC 72-108-100 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 to:

- (1) Student conduct or disciplinary proceedings pursuant to WAC 72-120-225;
- (2) Amendment of education records pursuant to WAC 72-280-030;
- and
- (3) Residency determinations made pursuant to WAC 72-130-040.