

Chapter 148-108 WAC

PRACTICE AND PROCEDURE

WAC

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WAC 148-108-010 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 148-108-090 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.

[Statutory Authority: RCW 72.40.022, 34.05.220 (1)(a) and 34.05.250. WSR 90-16-013, § 148-108-010, filed 7/19/90, effective 8/19/90.]

WAC 148-108-020 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.

[Statutory Authority: RCW 72.40.022, 34.05.220 (1)(a) and 34.05.250. WSR 90-16-013, § 148-108-020, filed 7/19/90, effective 8/19/90.]

WAC 148-108-030 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.

[Statutory Authority: RCW 72.40.022, 34.05.220 (1)(a) and 34.05.250. WSR 90-16-013, § 148-108-030, filed 7/19/90, effective 8/19/90.]

WAC 148-108-040 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address:

(7/19/90)

Washington State School for the Deaf
611 Grand Boulevard, S-26
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.

[Statutory Authority: RCW 72.40.022, 34.05.220 (1)(a) and 34.05.250. WSR 90-16-013, § 148-108-040, filed 7/19/90, effective 8/19/90.]

WAC 148-108-060 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.

[Statutory Authority: RCW 72.40.022, 34.05.220 (1)(a) and 34.05.250. WSR 90-16-013, § 148-108-060, filed 7/19/90, effective 8/19/90.]

WAC 148-108-070 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.

[Statutory Authority: RCW 72.40.022, 34.05.220 (1)(a) and 34.05.250. WSR 90-16-013, § 148-108-070, filed 7/19/90, effective 8/19/90.]

WAC 148-108-080 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 proceedings shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

[Statutory Authority: RCW 72.40.022, 34.05.220 (1)(a) and 34.05.250. WSR 90-16-013, § 148-108-080, filed 7/19/90, effective 8/19/90.]

WAC 148-108-090 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 148-108-070, except for the method of official recording selected by the school.

[Statutory Authority: RCW 72.40.022, 34.05.220 (1)(a) and 34.05.250. WSR 90-16-013, § 148-108-090, filed 7/19/90, effective 8/19/90.]

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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 to:

- (1) Student conduct or disciplinary proceedings pursuant to chapter 148-120 WAC;
- (2) Amendment of education records pursuant to WAC 148-280-030; and
- (3) Residency determinations made pursuant to WAC 148-130-040.

[Statutory Authority: RCW 72.40.022, 34.05.220 (1)(a) and 34.05.250. WSR 90-16-013, § 148-108-100, filed 7/19/90, effective 8/19/90.]