

WAC 180-90-144 Emergency adjudicative proceeding—Summary suspension. (1) An emergency adjudicative proceeding is the process to enter an emergency order for summary suspension of a private school's approval and other such action as is necessary to prevent or avoid the immediate danger to the public health, safety, or welfare while an investigation and/or administrative procedure is pending.

(2) The SBE executive director may issue an emergency order summarily suspending a private school's approval if there is reasonable basis to believe that a private school:

(a) Has violated any provision of WAC 180-90-141; and

(b) Presents an immediate danger to the health, safety, or welfare of the private school's students, staff, volunteers, or visitors that justifies use of emergency adjudication.

(3) The emergency order must include a brief statement of findings of fact, conclusions of law, and policy reasons for the decision if it is an exercise of the agency's discretion, to justify the determination of an immediate danger and the SBE private school officer's decision to take the specific action. The summary suspension can be a full or partial suspension of approval.

(4) Notice. The SBE executive director must provide notice to a private school that its approval as a private school has been summarily suspended under an emergency order. The private school must be served with oral or written notice of the summary suspension. If oral notice is given, a written notification must be served on the private school within two business days of the oral notice.

The written notification will include:

(a) The reasons for imposing the summary suspension, including a description of the acts or failures to act giving rise to the summary suspension and reference to the provisions of the Washington Administrative Code, state or federal law, or other applicable requirements, standards, or authority allegedly violated;

(b) The conditions, if any, under which the private school may continue to operate during the summary suspension; and

(c) Information on how to request a hearing on the summary suspension.

(5) The private school has the right to request a hearing on the summary suspension. The hearing request must be in writing and filed with the SBE executive director.

(6) A hearing officer will conduct a hearing on the summary suspension as soon as practicable after receipt of the private school's request for a hearing on the summary suspension. The hearing officer may not participate in any case in which the hearing officer is involved as a complainant or witness, or in which the hearing officer has a direct or personal interest, prejudice, or bias.

(a) During the summary suspension hearing, the issue before the hearing officer is whether there is probable cause to believe that summary suspension should be continued pending further administrative proceedings and/or whether the summary suspension should be less restrictive in scope.

(b) The hearing officer must provide the private school with an opportunity to explain why summary suspension should not be continued while administrative proceedings are pending or why the summary suspension should be less restrictive in scope.

(c) If the private school fails to appear at the designated hearing time, the hearing officer may order that the summary suspension

remain in place pending the conclusion of the administrative proceedings.

(d) As soon as practicable following the hearing, the hearing officer will issue a written decision which must include a brief explanation for any decision continuing and/or modifying the summary suspension and notice of any right to appeal.

(e) The hearing officer shall provide a copy of the decision to the private school. The SBE private school officer must include in the decision that the private school must provide a copy of the decision to the families of all its students and all of its staff members.

[Statutory Authority: RCW 28A.195.040, 28A.195.010, and 28A.150.220. WSR 22-07-048, § 180-90-144, filed 3/14/22, effective 4/14/22.]