

WSR 25-04-086
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE BLIND
[Filed February 3, 2025, 2:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-18-115.

Title of Rule and Other Identifying Information: Practice and procedure; brief adjudicative procedure, WAC 72-108-100.

Hearing Location(s): On April 16, 2025, at 10:00 a.m., at the Administration Building, Board Room, 2214 E. 13th Street, Vancouver, WA 98661; or via Zoom at <https://wssb.zoom.us/j/89945201133>.

Date of Intended Adoption: April 16, 2025.

Submit Written Comments to: Janet Kurz, 2214 E. 13th Street, Vancouver, WA 98661, email Janet.Kurz@wssb.wa.gov, fax 360-737-2120, 360-947-3302, beginning February 19, 2025, at 8:00 a.m., by April 15, 2025, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Janet Kurz, phone 360-947-3302, fax 360-737-2120, email Janet.Kurz@wssb.wa.gov, by April 15, 2025, at 5:00 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Washington state school for the blind (agency) is updating the rules regarding practice and procedure, chapter 72-108 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) and 72.40.022(15).

Statute Being Implemented: RCW 72.40.022(15).

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

Name of Proponent: Washington state school for the blind, 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: Jennifer Langley, 2214 E. 13th Street, Vancouver, WA 98661, 360-947-3353; and Enforcement: Sean McCormick, 2214 E. 13th Street, Vancouver, WA 98661, 360-947-3308.

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 state school for the blind, and therefore do not affect business or commerce in any way.

Scope of exemption for rule proposal:
Is fully exempt.

February 3, 2025
Scott McCallum
Superintendent

OTS-6053.1

AMENDATORY SECTION (Amending WSR 90-16-004, filed 7/19/90, effective 8/19/90)

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)), unless provided otherwise by another rule or determined otherwise in a particular case by the superintendent, in regard to:

(1) Student conduct ~~((~~o~~))~~ disciplinary proceedings ~~((pursuant to WAC 72-120-225))~~ 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 72-280-030;
and

(3) Residency determinations made pursuant to WAC 72-130-040.

Brief adjudicative proceedings are informal hearings and shall be conducted in a manner which will bring about a prompt fair resolution of the matter.