



LE-MAKING ORDER  
(RCW 34.05.360)

CR-103 (4/25/96)

Agency:

Clark College

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption:

April 24, 1996

(2) Purpose:

To ensure compliance by the College with the provisions of the state law dealing with public records.

(3) Citation of existing rules affected by this order:

Repealed:

Amended: Chapter 132N-276 WAC, Public Records

Suspended:

(4) Statutory authority for adoption: RCW 28B.50.140

Other authority: RCW 42.17.250(1)

PERMANENT RULE ONLY

Adopted under notice filed as WSR 96-07-029 on March 20, 1996 (date).

[March 13, 1996]

Describe any changes other than editing from proposed to adopted version:

SEE ATTACHED PAGE

EMERGENCY RULE ONLY

Under 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:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).

(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  
or Expedited Repeal

- 31 days after filing
- Other (specify) \_\_\_\_\_\*

Emergency Rules

- Immediately
- Later (specify) \_\_\_\_\_

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

NAME (TYPE OR PRINT)

Earl P. Johnson, President

SIGNATURE

TITLE

President

DATE

5-16-96

CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

MAY 31 1996

TIME: 12:50  
WSR 96-12-041

**Rule-Making Order, CR-103**  
**PERMANENT RULE ONLY (continued)**

Describe any changes other than editing from proposed to adopted version:

WAC 132N-276-130: Two new sentences are added which describe the system of indexing. The deleted sentence had been based on former RCW 42.17.260(3) which was subsequently amended and now only applies to local agencies. WAC 132N-276-005: Two new sentences are deleted based on the reasons previously stated.

WAC 132N-276-050 and 132N-276-100 were amended to include two additional statutes which also exempt or prohibit disclosure of specific information or records protected by other statutes.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

**WAC 132N-276-005 Board policy statement--Public records.** ((Clark)) The college shall be responsible for the efficient and proper disclosure of public records as required by the laws and regulations of the state of Washington. Public records information shall include fully detailed administrative procedures. The board delegates to the president or designee the responsibility to appoint a public records officer who shall administer the process.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

**WAC 132N-276-010 Administrative procedures--Purpose.** The purpose of this ((chapter)) section shall be to ensure compliance by the ((Community)) college ((District No. 14)) with the provisions of ((chapter 42.17 RCW as now existing or hereafter amended and in particular with RCW 42.17.250 through 42.17.340)) the state law dealing with public records.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

**WAC 132N-276-020 ((Administrative procedures--))Definitions.** (1) ((Public records--)) "Public records" include((s)) any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(2) ((Writing--)) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion pictures, film and video recordings, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated, magnetic or punched cards, ((disks)) disks, drums and other documents.

(3) ((Community College District No. 14--The)) Community College District ((No--)) 14 is an agency organized by statute pursuant to chapter 28B.50 RCW. ((The)) Community College District 14 shall hereinafter be referred to as the "((district)) college." Where appropriate, the term "board" refers to the board of trustees of the district.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

**WAC 132N-276-030 Description of central and field organization of ((Community)) the college ((District No. 14)).** ((District No. 14)) The college is a community college district organized under RCW 28B.50.040. The administrative office of the ((district)) college and its staff are located at Clark ((Community)) College, 1800 ((East)) E. McLoughlin ((Boulevard)) Blvd., Vancouver, WA 98663-3598.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

**WAC 132N-276-040 Operations and procedures.** The ((district)) college is established under chapter 28B.50 RCW to implement the educational purposes established by chapter 28B.50 RCW. The ((district)) college is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members, each appointed by the governor to a term of five years. The ((trustees)) board usually meets once a month in regular session on a date and at a time and place specified by public notice and at such special meetings as are announced by public notice. On occasion, the ((trustees)) board may not meet at all in a particular calendar month. At such time the trustees exercise the power((s)) and duties granted them under law.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

**WAC 132N-276-050 Public records available.** All public records of the ((district)) college, as defined in WAC 132N-276-020 are ((deemed to be)) available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310, 42.17.315, 42.17.260(1), and WAC 132N-276-100.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

**WAC 132N-276-060 Public records officer.** The ((district's)) college's public records shall be in the charge of the public records officer designated by the ((college)) president. The person so designated ((shall be located in)) is the dean of administrative ((office of the district)) services of the college. The public records officer shall be responsible for the ((following: The)) implementation of the ((district's)) college's rules and regulations regarding release of public records, coordinating the staff of the ((district)) college in this regard, and generally ((insuring)) ensuring compliance by the staff with

the public records disclosure requirements - RCW 42.17.250 through 42.17.340.

AMENDATORY SECTION (Amending Order 89-01, Resolution No. 89-01, filed 5/31/89)

**WAC 132N-276-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the ~~((district))~~ college. For the purpose ~~((s))~~ of this ~~((chapter))~~ section, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding ~~((legal holidays and published))~~ college holidays.

AMENDATORY SECTION (Amending Order 89-01, Resolution No. 89-01, filed 5/31/89)

**WAC 132N-276-080 Requests for public records.** In accordance with the requirements of RCW 42.17.250 through 42.17.340 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected ~~((or copied))~~ or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing ~~((upon))~~ by completing a request for public records form ~~((prescribed by the district))~~ which ~~((shall be))~~ is available at ~~((its))~~ administrative ~~((office))~~ services. The form shall be presented to the public records officer ~~((; or to any member of the district's staff, if the public records officer is not available, at the administrative office of the district))~~ during customary office hours ~~((;))~~ or mailed to:

Administrative Services  
Clark College  
1800 E. McLoughlin Blvd.  
Vancouver, WA 98663-3598

The request shall include the following information:

- (a) The name of the person requesting the ~~((record;))~~ records or, alternatively, how the request should be directed.
- (b) The time of day and calendar date ~~((on which))~~ of the request ~~((was made;))~~ .
- (c) The nature of the request ~~((;))~~ .
- (d) If the matter requested is referenced within ~~((a current))~~ an index maintained by the ~~((college))~~ public records officer, a reference to the requested ~~((record))~~ records as ~~((it is))~~ described in such ~~((current))~~ index ~~((;))~~ .



(e) If the requested matter is not identifiable by reference to ~~((a current))~~ an index, an appropriate description of the records is requested.

(2) The public records officer shall reply to written requests ~~((before the close of business on the day following the date of the request by providing copies of the requested records or by informing the requestee in writing of))~~ within five business days of receipt of the request by either:

(a) ~~((The availability))~~ Providing copies of the requested ~~((record(s); and))~~ records;

(b) ~~((A definite time and place (within five business days) when such requested record(s) may be inspected or copies provided.~~

~~(3))~~ Acknowledging receipt of the request and providing a reasonable estimate of the time the college will require to respond; or

(c) Denying the public records request. Denials of requests for public records will be accompanied by a written statement specifying the reason for denial.

(3) Additional time to respond to a request should be based on the public records officer's need to ask that the requestor clarify the intent of the request, to locate and assemble the information, to notify third persons or agencies who are the subject of or affected by the request, or to determine whether any of the information requested is exempt. If the requestor fails to clarify the request, the college need not respond to it.

(4) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public records requested.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

**WAC 132N-276-090 Copying.** No fee shall be charged for the inspection of public records. The ~~((district shall))~~ college will charge a fee of ten cents per page of copy for providing copies of public records ~~((and for use of the district's copy equipment)).~~ This charge is the amount necessary to reimburse the ~~((district))~~ college for its actual costs ~~((incident to))~~ arising from such copying. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the ~~((district))~~ college will provide copies at a rate sufficient to cover any additional costs. All fees must be paid by money order, cashier's check, or cash in advance.

**WAC 132N-276-100 Exemptions/exceptions.** (1) The ~~((district))~~ college reserves the right to determine that ~~((a))~~ public records requested in accordance with the procedures outlined in WAC 132N-276-080 are exempt under the provisions of RCW 42.17.310, 42.17.315, 42.17.260(1).

(2) In addition, pursuant to RCW 42.17.260, the ~~((district))~~ college reserves the right to delete identifying details when it makes available or publishes any public ~~((record,))~~ records in any cases when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy protected by state law or would impair a vital governmental interest. The public records officer will fully justify such deletion in writing.

(3) The release or disclosure of student educational records is governed by federal regulation (FERPA). Separate and different procedures are established by the college for student educational records.

**WAC 132N-276-110 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for ~~((a))~~ public records may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying ~~((a))~~ public records, the public records officer or other staff member denying the request shall refer it to the president of the college. The president or ~~((his))~~ designee shall ~~((immediately))~~ consider the ~~((matter and either affirm or reverse such denial or consult with the attorney general to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial))~~ college's obligation to comply with the intent of chapter 42.17 RCW, the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the statutory provisions which require the college to protect public records from damage or disorganization, prevent excessive interference with essential college functions, and prevent any unreasonable invasion of personal privacy by deleting identifying details. The president or designee shall complete the review within two business days after receiving the written request for review of the decision denying a public record.

(3) Administrative remedies shall not be considered exhausted until the ~~((district))~~ college has returned the petition with a decision, provided the requested records, or until the close of the second business day following the denial or inspection has been reached, whichever occurs first.

(4) Whenever the college concludes that a public record is exempt from disclosure and denies inspection and copying, the requestor may request a review of the matter by the office of the attorney general. A written request for review by the attorney general's office, along with a copy of the request and the college's written denial, should be sent to:

Office of Attorney General  
Public Records Review  
P.O. Box 40100  
Olympia, Washington 98504-0100

The office of the attorney general will conduct a prompt and independent review of the request and the college's denial and provide a written opinion as to whether the record requested is exempt from disclosure. This review is not binding upon the college or the requestor.

AMENDATORY SECTION (Amending Order 77-3 d, filed 8/29/77)

**WAC 132N-276-120 Protection of public records.** Requests for public records shall be made ~~((in))~~ at the ~~((administration building))~~ administrative services office of ~~((Clark Community))~~ the college. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designed for their inspection. Copies shall be made at ~~((Clark Community))~~ the college. If copying facilities are not available at the college, the college will arrange to have copies made commercially ~~((according to the provision of WAC 132N-276-090))~~.

AMENDATORY SECTION (Amending Order 89-01, Resolution No. 89-01, filed 5/31/89)

**WAC 132N-276-130 Records index.** The college shall make available for public inspection and copying all indexes maintained for college use under the same rules and ~~((on))~~ the same conditions as ~~((are))~~ applied to public records.

~~((The college board of trustees has adopted a formal order stating that providing a master index of all public records would be unduly burdensome and interfere with college operations.))~~ The office of the president shall maintain indexes of orders, board resolutions by number, and board actions by date and subject. The administrative services office shall maintain indexes of board policies and administrative procedures by reference number and subject.



WAC 132N-276-140 Adoption of form. The ((district)) college hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for public record(s)."

AMENDATORY SECTION (Amending Order 89-01, Resolution No. 89-01, filed 5/31/89)

WAC 132N-276-150 Appendix A--Form--Request for public record(s).

((Request for \_\_\_\_\_ Clark College  
Public Record(s) \_\_\_\_\_ Administrative Services

This form is to be used to initiate a request for copying or inspection of public records as prescribed in RCW 42.17.250 through 42.17.340. The form is to be completed and sent to the Clark College Administrative Services Department.

Name (Please Print) \_\_\_\_\_ Signature \_\_\_\_\_

Name of Organization \_\_\_\_\_ Phone Number \_\_\_\_\_  
(If Applicable)

Mailing Address \_\_\_\_\_

Date and Time Request \_\_\_\_\_  
Made

Record(s) Requested \_\_\_\_\_

Instructions for Receipt of Record(s) \_\_\_\_\_

Date and Time Request \_\_\_\_\_  
Received

Request: Approved \_\_\_\_\_ Denied \_\_\_\_\_  
Date Date

Reasons for Denial \_\_\_\_\_

Referred to: \_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_, Public Records Officer

~~Date and Time Public~~  
~~Record(s) Provided)~~

This form is to be used to initiate a request for copying or inspection of public records as prescribed in RCW 42.17.250 through 340. The form is to be completed and sent to the Clark College Administrative Services Dept.

Name (Please Print)

Signature

Name of Organization (If Applicable)

Phone Number

Mailing Address

Date and Time Request Made

Record(s) Requested:

Will this information be used for commercial purposes? Yes \_\_\_ No \_\_\_

Instructions for Receipt of Record(s)

(To be completed by Public Records Officer)

Date and Time Request Received

- All records subject to the request are provided with this response.
- The College will need \_\_\_ days to respond to the request based on the following reason(s):
  - The intent of your request needs to be clarified: *(Specific questions should be included here; e.g., what time period? Does the request include personal information?)*
- Note: Failure to clarify the request will mean no further response).
- To locate and assemble the records.
- To notify third persons or agencies affected by the request.
- To determine whether any of the information request is exempt and that a denial should be made as to all or part of the request.
- The request is denied based on the following exemption(s):

You may obtain review of the decision denying inspection by presenting a written request for review along with the written statement which sets forth the basis for denial to the President. The President's review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action for the purpose of judicial review.

\_\_\_\_\_, Public Records Officer

Date and Time of Response:

Acknowledgment of receipt:

Date:

(WAC 132N-276-150, Illus.)