



**RULE-MAKING ORDER**  
**(RCW 34.05.360)**

**CR-103 (7/10/97)**

**Agency:** Clark College

- Permanent Rule**
- Emergency Rule**
- Expedited Adoption**
- Expedited Repeal**

**(1) Date of adoption:** October 22, 1997

**(2) Purpose:**  
To allow the college to withhold services from any person who has an outstanding debt with the college.

**(3) Citation of existing rules affected by this order:** None.  
**Repealed:**  
**Amended:**  
**Suspended:**

**(4) Statutory authority for adoption:** Chapter 28B.50 RCW  
**Other authority:**

**PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)**  
Adopted under notice filed as WSR 97-19-076 on October 1, 1997 [9-16-97] (date).  
Describe any changes other than editing from proposed to adopted version: None

**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:**

- |  |  |
|--|--|
| <b>Permanent Rules<br/>or Expedited Rule Making</b><br><input type="checkbox"/> 31 days after filing<br><input type="checkbox"/> Other (specify) _____ * | <b>Emergency Rules</b><br><input type="checkbox"/> Immediately<br><input type="checkbox"/> 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)** Tana L. Hasart

**SIGNATURE**  
*Tana L. Hasart*

**TITLE** Interim President

**DATE** 10-31-97

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

NOV 10 1997

33  
11  
97-23-019

AM  
PM

Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

|                                  |     |          |         |       |          |       |
|----------------------------------|-----|----------|---------|-------|----------|-------|
| Federal statute:                 | New | _____    | Amended | _____ | Repealed | _____ |
| Federal rules or standards:      | New | _____    | Amended | _____ | Repealed | _____ |
| Recently enacted state statutes: | New | <u>2</u> | Amended | _____ | Repealed | _____ |

The number of sections adopted at the request of a nongovernmental entity:

|     |       |         |       |          |       |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted on the agency's own initiative:

|     |          |         |       |          |       |
|-----|----------|---------|-------|----------|-------|
| New | <u>1</u> | Amended | _____ | Repealed | _____ |
|-----|----------|---------|-------|----------|-------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

|     |          |         |       |          |       |
|-----|----------|---------|-------|----------|-------|
| New | <u>3</u> | Amended | _____ | Repealed | _____ |
|-----|----------|---------|-------|----------|-------|

The number of sections adopted using:

|                                |     |       |         |       |          |       |
|--------------------------------|-----|-------|---------|-------|----------|-------|
| Negotiated rule making:        | New | _____ | Amended | _____ | Repealed | _____ |
| Pilot rule making:             | New | _____ | Amended | _____ | Repealed | _____ |
| Other alternative rule making: | New | _____ | Amended | _____ | Repealed | _____ |

Clark College

Chapter 132N-122 WAC, Withholding Services for Outstanding Debts  
(New Rule)

**ADD NEW SECTIONS:**

Chapter 132N-122-010, 020, 030.

## Chapter 132N-122 WAC

### WITHHOLDING SERVICES FOR OUTSTANDING DEBTS

#### NEW SECTION

**WAC 132N-122-010 Policy.** If any person, including faculty, staff, student or former student, is indebted to the college for an outstanding debt, the college need not provide any further services of any kind to such individual, including but not limited to transmitting files, records, admission to or registration with the college, conferring of degrees, transcripts or other services which have been requested by such person. Further, if the person is an employee of the college, the college shall have the right to offset such outstanding debts against the wages owed to the employee.

#### NEW SECTION

**WAC 132N-122-020 Notification.** (1) Upon receiving a request for services where there is an outstanding debt due the college from the requesting person, the college shall notify the person by certified mail that the services will not be provided since there is an outstanding debt due. The person shall be told that until the debt is satisfied, no such services as are requested will be provided. If the outstanding debt is due the college from an employee, the college shall notify the employee by certified mail addressed to the employee's last known address of the debt owed to the college, the basis of the debt, and the intent to offset it against the wages or other payments due to the employee.

(2) The letter of notification shall also state that the person has a right to a brief adjudicative proceeding before a person designated by the president of the college if he or she believes that no debt is owed. The proceeding must be requested within twenty days of the date of mailing notification that services will be withheld.

NEW SECTION

**WAC 132N-122-030 Procedure for brief adjudicative proceeding.**

Upon receipt of a request for appeal within twenty days of the initial action, the person designated by the president shall hold the brief adjudicative proceeding concerning whether the individual in fact owes or owed any outstanding debts to the college. After the brief adjudicative proceeding, a decision shall be rendered by the president's designee indicating whether in fact the college is correct in withholding services for the outstanding debt and/or applying offset for the outstanding debt. If the outstanding debt is found to be owed by the individual involved, no further services shall be provided. Notification of this decision shall be sent to the individual within ten days of the receipt of the appeal.

A review of this decision may be requested of the president or designee within twenty-one days of the decision. Notification of the final decision will be rendered within twenty days of the request for review. The decision of the president or designee shall be final.