

Chapter 148-276 WAC

PUBLIC RECORDS

WAC

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WAC 148-276-010 Purpose. The purpose of this chapter is to ensure that the school complies with the public records provisions of RCW 42.17.250 through 42.17.340.

[Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-010, filed 7/19/90, effective 8/19/90.]

WAC 148-276-020 Definitions. (1) Public records. "Public record" includes 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: Provided, however, That the personal and other records cited in RCW 42.17.310 are exempt from definition of public record.

(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, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums, and other documents.

(3) Washington state school for the deaf. "Washington state school for the deaf" is an agency organized by statute pursuant to RCW 72.40.010. Washington state school for the deaf shall hereafter be referred to as the "school." Where appropriate, the term "school" also refers to staff and employees of the school.

[Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-020, filed 7/19/90, effective 8/19/90.]

WAC 148-276-030 Description of central organization of Washington state school for the deaf. (1) Washington state school for the deaf is a state agency established and organized under the authority of chapter 72.40 RCW for the purpose of implementing the educational goals established by the legislature in RCW 72.40.010. The administrative office of the school is located in Vancouver, Washington. The Vancouver campus comprises the central headquarters for all operations of the school.

(7/19/90)

(2) The school operates under the supervision and control of the superintendent of the state school for the deaf, appointed by the governor. The superintendent takes such actions and promulgates such rules, regulations, and policies in harmony with the rules and regulations established by the office of superintendent of public instruction and the United States Department of Education, as are necessary to the administration and operation of the school.

(3) A board of trustees serves as an advisory board to the superintendent and to the legislature. The board consists of a member from each of the state's congressional districts and ex-officio members representing specific interests and constituents of the school. The responsibilities and functions of the board are provided in chapter 72.42 RCW.

(4) Elementary and high school education is under the direction of a principal or separate principals as student population increases and educational needs demand. Academic support services, including but not limited to outreach, nursing, and audiology are under the supervision of the director of academic support services. The director of media manages the learning resource center. Residential services are under the direction of the director of student life. Consolidated services, serving both the Washington state school for the blind and the Washington state school for the deaf, are administered by personnel located at the school for the deaf. Consolidated services include: The commissary, business, and personnel offices, the maintenance department, and custodial and food services.

[Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-030, filed 7/19/90, effective 8/19/90.]

WAC 148-276-040 Operations and procedures. Formal decision-making procedures are established by the superintendent through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act (APA).

[Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-040, filed 7/19/90, effective 8/19/90.]

WAC 148-276-050 Public records available. All public records of the school, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310.

[Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-050, filed 7/19/90, effective 8/19/90.]

WAC 148-276-060 Public records officer. The school's public records shall be in the charge of the public records officer designated by the superintendent of the school. The person so designated shall be located in the school administrative office. The public records officer shall be responsible for the following: Implementation of the

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school's rules and regulations regarding release of public records, coordinating the school employees in this regard, and generally ensuring compliance by school employees with the public records disclosure requirements in chapter 42.17 RCW.

[Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-060, filed 7/19/90, effective 8/19/90.]

WAC 148-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the school. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., excluding legal holidays and holidays established by the school calendar.

[Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-070, filed 7/19/90, effective 8/19/90.]

WAC 148-276-080 Requests for public records. In accordance with the requirements of RCW 42.17.290 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 are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the school which shall be available at the school administrative office. The form shall be presented to the public records officer or, if the public records officer is not available, to any member of the school staff at the school administrative office during customary hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index; and
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) 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 person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

[Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-080, filed 7/19/90, effective 8/19/90.]

WAC 148-276-090 Copying. No fee shall be charged for the inspection of public records. The school may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the school for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record had tendered payment for such copying to the appro-

priate school official. All charges must be paid by money order, cashier's check, or cash in advance.

[Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-090, filed 7/19/90, effective 8/19/90.]

WAC 148-276-100 Determination regarding exempt records. (1) The school reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 148-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 and 42.17.315. Such determination may be made in consultation with the public records officer, the school superintendent, or an assistant attorney general assigned to the school.

(2) Pursuant to RCW 42.17.260, the school reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy; provided, however, in each case, the justification for deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within two business days as to whether his request for a public record will be honored.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or his/her designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the public record withheld.

[Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-100, filed 7/19/90, effective 8/19/90.]

WAC 148-276-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record 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 which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the superintendent, or his or her designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying public record, the superintendent, or his or her designee, shall complete such review.

(4) During the course of the review, the superintendent or his or her designee, shall consider the obligations of the school fully to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 through 42.17.315, and the provisions of the statute which require the school to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

[Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-110, filed 7/19/90, effective 8/19/90.]

WAC 148-276-120 Protection of public records.

Requests for public records shall be made at the administrative office of the school in Vancouver, Washington. 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 designated. Copies of such records may be arranged according to the provisions of WAC 148-276-090.

[Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-120, filed 7/19/90, effective 8/19/90.]

WAC 148-276-130 Records index. (1) The school has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the school after January 1, 1973:

(a) Final opinions, including concurring and dissenting opinions, as well as orders made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index maintained by the school shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-130, filed 7/19/90, effective 8/19/90.]

WAC 148-276-140 Adoption of form. The school hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

REQUEST FOR PUBLIC RECORD TO
WASHINGTON STATE SCHOOL FOR THE DEAF

- (a)
Name (please print) Signature
.....
Name of Organization, if applicable
.....
Mailing Address of Applicant Phone Number
(b)
Date Request Made Time of Day
 Request Made

(c) Nature of Request
.....

(d) Identification Reference on Current Index
(Please Describe)
.....
.....

(e) Description of Record, or Matter, Requested if not Identifiable by Reference to the Washington State School for the Deaf
.....
.....
.....

Request: APPROVED DENIED Date

By

Name

Title

Reasons for Denial:
.....
.....

Referred to Date

By

Name

Title

[Statutory Authority: RCW 72.40.022 and 42.17.250. WSR 90-16-017, § 148-276-140, filed 7/19/90, effective 8/19/90.]