

TRANSMITTAL OF RULES ADOPTED BY INSTRUCTION OF HIGHER EDUCATION
(Instruction for Completion of Back of Page)

FROM: COMMUNITY COLLEGE DISTRICT NO. 12 (Centralia College & OVTI)
(Name of Institution)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98504

The enclosed Permanent rules
Emergency rules , being order No. 73-20

relating to (Name of rules or description of subject matter)

Access to public records pursuant to section 26, chapter 1, Laws of 1973 (Initiative 276) for Community College District No. 12, WAC 132L-276-010 through WAC 132L-276-140.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 3923 ① filed with the code reviser on 3/16/73 ② were regularly adopted as permanent rules of this institution at OVTI on 4/12/73 and are herewith filed in the office of the code reviser pursuant to chapter 28B.19 RCW (1971 1st ex.s. c 57). The effective date of such rules shall be upon filing . ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of these rules is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, were regularly adopted as emergency rules of this institution at _____ on _____ and are herewith filed in the office of the code reviser pursuant to chapter 28B.19 RCW (1971 1st ex.s. c 57).

The undersigned hereby certifies that the requirements of chapter 28B.19 RCW (1971 1st ex.s. ch 57) and of the Open Public Meetings Act of 1971, chapter 42.30 RCW (1971 1st ex.s. ch 250) have been fulfilled.

Dated this 18th day of May 1973.

STATE OF WASHINGTON
FILED
MAY 18 1973
CODE REVISER'S OFFICE
DOCKET # 4384 FILE # 1

COMMUNITY COLLEGE DISTRICT NO. 12
(INSTITUTION)

Thomas L. Anderson
By : THOMAS L. ANDERSON

Assistant Attorney General
Title

STATE OF WASHINGTON
COMMUNITY COLLEGE DISTRICT NO. 12
Board of Trustees

RESOLUTION NO. 73-19

Administrative Order No. 73-19

A RESOLUTION Relating to permanent rules of the Community College District No. 12.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE COMMUNITY COLLEGE DISTRICT NO. 12, STATE OF WASHINGTON:

Section 1. The annexed regulations, to-wit:


Adoption of reasonable rules and regulations for the access to public records under Initiative 276.

are hereby approved and adopted as permanent rules of the Community College District No. 12.

Section 2. This resolution and annexed regulations, after being first recorded as an administrative order in the Order Register of the Community College District No. 12, shall be forwarded to the Code Reviser for filing pursuant to chapter 28B.19 RCW (1971 1st ex. s. c 57) and WAC 1-13-050.

APPROVED AND ADOPTED April 12, 1973.

ATTEST:


Secretary of the Board
of Trustees

CHAPTER 132L-276

PUBLIC RECORDS

WAC

132L-276-010	Purpose
132L-276-020	Definitions
132L-276-030	Description of Central and Field Organization of Community College District No. 12
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132L-276-050	Public Records Available
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132L-276-090	Copying
132L-276-100	Exemptions
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132L-276-120	Protection of Public Records
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132L-276-140	Adoption of Form

NEW WAC 132L-276-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Community College District No. 12 with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure-Campaign-Finances-Lobbying-Records; and in particular with Sections 25-32 of that act, dealing with public records.

NEW WAC 132L-276-020 DEFINITIONS. (1) PUBLIC RECORDS. "Public record" includes any writing containing information relating to the conduct of governmental 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, magnetic or punched cards, discs, drums and other documents."

(3) COMMUNITY COLLEGE DISTRICT NO. 12. The Community College District No. 12 is an agency organized by statute pursuant to RCW 28B.50.040. The Community College District No. 12 shall hereinafter be referred to as the "district" and including the two institutions known as Centralia College and Olympia Vocational Technical Institute. Where appropriate, the term district also refers to the staff, the board of trustees, and the employees of the district on both campuses.

NEW WAC 132L-276-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF COMMUNITY COLLEGE DISTRICT NO. 12. District No. 12 is a community college district organized under RCW 28B.50.040. The District Administrative Office and its staff are located at Centralia College, Locust and Oak, Centralia, Washington, 98531. The Centralia College Administrative Offices are located at the same address and the Olympia Vocational Technical Institute Administrative Offices are located at 2011 Mottman Road, S.W., Olympia, Washington, 98502.

NEW WAC 132L-276-040 OPERATIONS AND PROCEDURES. The district is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. The college district 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 meet the second Thursday of each month on either the Centralia College or Olympia Vocational Technical Institute campus in accordance with public notice and hold such special meetings as are announced by public notice. At such time the trustees exercise the powers and duties granted it under RCW 28B.50.140.

NEW

WAC 132L-276-050 PUBLIC RECORDS AVAILABLE. All public records of the district, as defined in WAC 132L-276-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 132L-276-100.

NEW

WAC 132L-276-060 PUBLIC RECORDS OFFICER. The district's public records shall be in the charge of the Public Records Officer designated by the district president. The person so designated shall in turn designate persons in the administrative office on each campus to implement this section. The Public Records Officer and his designees shall be responsible for the following: The implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

NEW

WAC 132L-276-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the district. For the purposes of this chapter, 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.

NEW

WAC 132L-276-080 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter 1, Laws of 1973 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 a form prescribed by the district which shall be available at its administrative office on the appropriate campus. The form shall be presented to the public records officer and/or his designees, at the administrative office on the appropriate campus during customary office 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 records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the district's 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 and/or his designees, to assist the member of the public in appropriately identifying the public record requested.

(3) The Public Records Officer and/or his designee to whom the request is presented shall, by the close of that business day, if the request is presented before noon, or noon the following business day if the request is presented in the afternoon,

- (a) make the requested document available, or
- (b) state that such a document does not exist, or
- (c) ask for clarification of the document requested, or
- (d) deny access because the document is exempt from public inspection under WAC 132L-276-050.

NEW
WAC 132L-276-090 COPYING. No fee shall be charged for the inspection of public records. The district shall charge a fee of 10¢ 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 for its actual costs incident to 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 will provide copies at a rate sufficient to cover any additional cost. All fees must be paid by money order, cashier's check or cash in advance.

NEW
WAC 132L-276-100 EXEMPTIONS. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132L-276-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the district reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The Public Records Officer and/or his designee will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

NEW
WAC 132L-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 by the Public Records Officer and/or his designees which constituted or accompanied the denial.

(2) Immediately after receiving a written request for

review of a decision denying a public record, the Public Records Officer and/or his designee denying the request shall refer it to the district president. The district 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.

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

NEW WAC 132L-276-120 PROTECTION OF PUBLIC RECORDS. Requests for public records shall be to the Public Records Officer and/or his designees in the appropriate locations on both or either campuses in the district. Public records and a facility for their inspection will be provided by the Public Records Officer and/or his designees. Such records shall not be removed from the place designated for their inspection. Copies shall be made at Centralia College. If copying facilities are not available at the college, the college will arrange to have copies made commercially according to the provisions of WAC 132L-276-090.

NEW WAC 132L-276-130 RECORDS INDEX. (1) INDEX. The Public Records Officer and/or his designees have available to all persons a current index which provides identifying information as to those records adopted or promulgated and indexed since June 30, 1972, in the following areas:

(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;

(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;

(g) financial records and budgets; and

(h) board of trustees' minutes and reports.

(2) AVAILABILITY. The current index promulgated by the district shall be available to all persons under the same

rules and on the same conditions as are applied to public records available for inspection.

WAC 132L-276-140 ADOPTION OF FORM. The district 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".

APPENDIX "A"

REQUEST FOR PUBLIC RECORD TO
COMMUNITY COLLEGE DISTRICT NO. 12

(a) _____
Signature Signature (Please Print)

Name of Organization, if Applicable

Mailing Address of Applicant Phone Number

(b) _____
Date Request Made at Community College District No. 12 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 Community College District No. 12's Current Index _____

Request: Approved _____ Date By _____
Public Records Officer and/or his designee

Denied Date _____

Reasons for Denial: _____

Referred to _____ Date By _____
Public Records Officer and/or his designee

M E M O R A N D U M

April 4, 1973

TO: Mrs. Loma L. Barmore, Code Reviser's Office
FROM: Thomas L. Anderson, Assistant Attorney General
SUBJECT: Washington Administrative Code Designation for
Community College District No. 12 (Centralia
College and OVTI) WAC 132L

This is written to confirm our conversation of this week concerning the proper chapter heading for Community College District No. 12. RCW 28B.50.040(12) provides that: "The twelfth district shall encompass the counties of Lewis and Thurston;". The designation of WAC 132L has been allotted to District No. 12 by the Code Reviser's Office. In 1971 when the Olympia Vocational Technical Institute (OVTI) was transferred to Community College District No. 12, a new chapter entitled WAC 132X was allotted to the OVTI campus.

It is the desire of the District to retain WAC 132L as the proper designation for all of Community College District No. 12 encompassing both the Centralia and OVTI campuses. Therefore, any rules which may be adopted under WAC 132L have been and will be considered applicable to the entire district unless the rules themselves specify that they apply to only one campus within the district.

The District does not intend to use the designation WAC 132X in any future codifications. At some undetermined future date it is hoped that the single policy currently codified under WAC 132X-12 dealing with tenure will be repealed and incorporated within WAC 132L.

Thank you for your help in resolving this matter. If the arrangement specified above does not meet with your satisfaction, please contact me.

TLA
TLA

TLA:lcs

cc: Dr. Nels W. Hanson, President - Centralia College (Community
College District No. 12)
Dr. Gene L. Curtis, Dean of Students