

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

Board of Trustees
(name of governing body)

Clark Community College District No. 14
(name of institution)

Resolution No. 89-01

Administrative Order No. 89-01

(1) Be it resolved by the board of Trustees

of the Clark Community College District No. 14
(institution)

acting at Vancouver, Washington

(place)

that it does adopt the annexed rules relating to:

Public Records

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 89-04-035

filed with the code reviser on January 30, 1989. These rules shall take effect:

thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).
 at a later date, such date being April 26, 1989.

see next page

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, _____, find that an emergency exists and that this order 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 public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of WAC 1-13-040¹ that each order shall set forth an appropriate statement of state statutory authority fill in statement (a), (b), or (c) as appropriate:

(a) This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW _____ which directs that the

_____ (institution)

has authority to implement the provisions of

_____ (name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the

Clark College

_____ (institution)

as authorized in RCW 28B.50/28B.10

(4) The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC.

APPROVED AND ADOPTED _____ April 26, 19 89

STATE OF WASHINGTON
FILED
MAY 3 1 1989

By Georgia-Mae Gallivan
Georgia-Mae Gallivan
Chair, Board of Trustees
Title

CODE REVISER'S OFFICE
WSR 89-12-024

NOTE:

¹Pursuant to WAC 1-13-040, each rule-making order adopted by an institution of higher education shall incorporate the most specific, but in no case omit all of the following language alternatives when adopting or amending rules:

(a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute."

(b) The next specific reference, and one which shall be used only if paragraph (a) of this subsection is not applicable, shall be to that portion of an act which directs an agency to adopt rules and regulations as necessary to implement the act, and shall be quoted as follows: "This rule is promulgated pursuant to RCW _____ which directs that the (agency) has authority to implement the provisions of (name of act or RCW citation)."

(c) The least specific reference, and one which shall be used only if paragraphs (a) and (b) of this subsection are not applicable, is one which indicates that the rule is promulgated under the agency's broad rule-making authority—either in the agency enabling legislation or chapter 34.04 RCW, and shall be quoted as follows: "This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW _____."

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APPROVED AND ADOPTED April 26, 19 89

By Georgia-Mae Gallivan
Chair, Board of Trustees
Title

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

WAC 132N-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 and published college holidays.

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

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 a form prescribed by the district which shall be available at its administrative office. 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. 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))~~ a current index maintained by the ~~((records-officer))~~ college, 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))~~ a current index, an appropriate description of the record 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:

(a) The availability of the requested record(s); and

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

(3) 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 record requested.

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

WAC 132N-276-110 REVIEW OF DENIALS OR 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 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 record, 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 ((7)) 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, provided the requested records, or until the close of the second business day following the denial or inspection has been reached, whichever occurs first.

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

WAC 132N-276-130 RECORDS INDEX. ((1)-INDEX. The district has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1973:

- (a) Final orders, 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 consultants' 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) 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.) 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.

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

WAC 132N-276-150 APPENDIX A--FORM--REQUEST FOR PUBLIC RECORD.

((REQUEST FOR PUBLIC RECORD-F0
Community College District No. 14

(a) *****
 Signature-(Please-Print)-----Signature

 Name-of-Organization, if-Applicable

.....
Mailing-Address-of-Applicant-----Phone-Number

(b)-----
Date-Request-Made-at-Community-----Time-of-Day
College-District-No.-14-----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.--14's--Current
Index-----
.....
.....
.....
.....

Request:--Approved-----By-----
Date-----Public-Records-Officer

Date-Denied-----

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

Referred to-----Date-----
By-----
Public-Records-Officer))

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