

# Title 132P WAC

## COMMUNITY COLLEGES— YAKIMA VALLEY COMMUNITY COLLEGE

### Chapters 132P-276

### Public records.

#### DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

#### Chapter 132P-08 PRACTICE AND PROCEDURE

- 132P-08-001 Formal hearing policy. [Order 76-2, § 132P-08-001, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-005 Definitions. [Order 76-2, § 132P-08-005, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-010 Appearance and practice before agency. [Order 76-2, § 132P-08-010, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-080 Notice and opportunity for hearing in contested cases. [Order 76-2, § 132P-08-080, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-090 Service of process—By whom served. [Order 76-2, § 132P-08-090, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-100 Service of process—Upon whom served. [Order 76-2, § 132P-08-100, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-110 Service of process—Service upon parties. [Order 76-2, § 132P-08-110, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-120 Service of process—Method of service. [Order 76-2, § 132P-08-120, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-130 Service of process—When service complete. [Order 76-2, § 132P-08-130, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-140 Service of process—Filing with agency. [Order 76-2, § 132P-08-140, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-230 Depositions and interrogatories in contested cases—Right to take. [Order 76-2, § 132P-08-230, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-240 Depositions and interrogatories in contested cases—Scope. [Order 76-2, § 132P-08-240, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-250 Depositions and interrogatories in contested cases—Officer before whom taken. [Order 76-2, § 132P-08-250, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-260 Depositions and interrogatories in contested cases—Authorization. [Order 76-2, § 132P-08-260, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents. [Order 76-2, § 132P-08-270, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).

- 132P-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination. [Order 76-2, § 132P-08-280, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-290 Depositions and interrogatories in contested cases—Recordation. [Order 76-2, § 132P-08-290, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-300 Depositions and interrogatories in contested cases—Signing attestation and return. [Order 76-2, § 132P-08-300, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-310 Depositions and interrogatories in contested cases—Use and effect. [Order 76-2, § 132P-08-310, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents. [Order 76-2, § 132P-08-320, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-330 Depositions upon interrogatories—Submission of interrogatories. [Order 76-2, § 132P-08-330, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-340 Depositions upon interrogatories—Interrogation. [Order 76-2, § 132P-08-340, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-350 Depositions upon interrogatories—Attestation and return. [Order 76-2, § 132P-08-350, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-360 Depositions upon interrogatories—Provisions of deposition rule. [Order 76-2, § 132P-08-360, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-400 Hearing officers. [Order 76-2, § 132P-08-400, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-410 Hearing procedures. [Order 76-2, § 132P-08-410, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-420 Duties of hearing officers. [Order 76-2, § 132P-08-420, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-430 Stipulations and admissions of record. [Order 76-2, § 132P-08-430, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-440 Definition of issues before hearing. [Order 76-2, § 132P-08-440, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-450 Continuances. [Order 76-2, § 132P-08-450, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-460 Rules of evidence—Admissibility criteria. [Order 76-2, § 132P-08-460, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-470 Tentative admission—Exclusion—Discontinuance—Objections. [Order 76-2, § 132P-08-470, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).
- 132P-08-480 Form and content of decisions in contested cases. [Order 76-2, § 132P-08-480, filed 12/6/76.] Repealed by 09-09-047, filed 4/10/09, effective 5/11/09. Statutory Authority: RCW 28B.50.140 (13) and (20).

### Chapter 132P-276 WAC PUBLIC RECORDS

WAC  
132P-276-010

Purpose.

132P-276-030	Public records available.
132P-276-040	Public records officer.
132P-276-060	Requests for public records.
132P-276-080	Exemptions.
132P-276-090	Review of denials of public records requests.
132P-276-110	Records index.

**WAC 132P-276-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the college with the provisions of the state law dealing with public records, chapter 42.56 RCW.

[Statutory Authority: RCW 28B.50.140. 09-24-049, § 132P-276-010, filed 11/24/09, effective 1/1/10; 00-01-076, § 132P-276-010, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-010, filed 12/6/74.]

**WAC 132P-276-030 Public records available.** All public records of the college, as defined in WAC 132P-276-020, are available for public inspection and copying pursuant to these rules, except as otherwise provided by chapter 42.56 RCW and chapter 132P-276 WAC or other applicable law.

[Statutory Authority: RCW 28B.50.140. 09-24-049, § 132P-276-030, filed 11/24/09, effective 1/1/10; 00-01-076, § 132P-276-030, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-030, filed 12/6/74.]

**WAC 132P-276-040 Public records officer.** Access to the college's public records shall be through the public records officer designated by the college. The person so designated shall be located in the administrative office of the college. The public records officer shall be responsible for implementing the college rules and regulations regarding release of public records, coordinating the staff of the college in this regard, and generally ensuring compliance by the staff with the public records disclosure requirements of chapter 42.56 RCW.

[Statutory Authority: RCW 28B.50.140. 09-24-049, § 132P-276-040, filed 11/24/09, effective 1/1/10; 00-01-076, § 132P-276-040, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-040, filed 12/6/74.]

**WAC 132P-276-060 Requests for public records.** In accordance with requirements of chapter 42.56 RCW 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 college which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the college's staff, if the public records officer is not available, at the administrative office of the college during customary office hours. The request shall include the following information:

- The name of the person requesting the record;
- The time of day and calendar date of the request;
- The nature of the request;
- If the matter requested is referenced within an index maintained by the college, a reference to the requested record as described in such index;
- If the requested matter is not identifiable by reference to an index, an appropriate description of the record requested.

(2) The public records officer shall reply to written requests within five business days of receipt of the request by:

- Providing copies of the requested records;
- 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 may 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 record requested.

[Statutory Authority: RCW 28B.50.140. 09-24-049, § 132P-276-060, filed 11/24/09, effective 1/1/10; 00-01-076, § 132P-276-060, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-060, filed 12/6/74.]

**WAC 132P-276-080 Exemptions.** (1) The college reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132P-276-060 is exempt under the provisions of chapter 42.56 RCW or other applicable law.

(2) In addition, pursuant to RCW 42.56.210, the college 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 unreasonable invasion of personal privacy protected by state law or would impair a vital governmental interest. The public records officer will state the reason for such deletion in writing.

(3) The release or disclosure of student educational records is governed by the Federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g.

[Statutory Authority: RCW 28B.50.140. 09-24-049, § 132P-276-080, filed 11/24/09, effective 1/1/10; 00-01-076, § 132P-276-080, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-080, filed 12/6/74.]

**WAC 132P-276-090 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 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 designee shall consider the college's obligation to comply with the intent of chapter 42.56 RCW, the exemptions provided in RCW 42.56.210 or other pertinent statutes, and the statutory provisions which require the college to protect pub-

lic 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 college has returned the petition with a decision, provided the requested record, or until the close of the second business day following denial of 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 or may file a lawsuit in superior court in the county where the agency record is maintained. 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 the Attorney General  
Public Records Review  
P.O. Box 40100  
Olympia, WA 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.

[Statutory Authority: RCW 28B.50.140. 09-24-049, § 132P-276-090, filed 11/24/09, effective 1/1/10; 00-01-076, § 132P-276-090, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-090, filed 12/6/74.]

**WAC 132P-276-110 Records index.** An index of all documents required to be indexed by RCW 42.56.070 shall be maintained at the president's office. The index shall be accessible to the public by request to the public records officer at the above office during customary working hours.

[Statutory Authority: RCW 28B.50.140. 09-24-049, § 132P-276-110, filed 11/24/09, effective 1/1/10; 00-01-076, § 132P-276-110, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-110, filed 12/6/74.]