



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Committee on Advanced Tuition Payment

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

(1) Date of adoption: 10-31-98

(2) Purpose: To establish operating procedures for the Committee on Advanced Tuition Payment consistent with RCW 42.32, Open Public Meetings; RCW 42.17, Public Records, RCW 35.05 Administrative Procedures Act and RCW 43.120, State Environmental Policy

(3) Citation of existing rules affected by this order:

Repealed:

Amended:

Suspended:

(4) Statutory authority for adoption: RCW 28B.95.030 (9)(e)

Other authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 98-18-045 on 8-28-98 (date).

Describe any changes other than editing from proposed to adopted version:

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:

Permanent Rules

Emergency Rules

or Expedited Rule Making

- 31 days after filing
- Other (specify) 45 days
- Immediately
- 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)

Susan D Patrick

SIGNATURE

Susan D Patrick

TITLE

Operations Manager

DATE

11-5-98

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

NOV 5 1998

TIME 1:23

WSR 98-23-009

AM
PMA

**Title 14 WAC
COMMITTEE ON ADVANCED TUITION PAYMENT**

**Chapter 14-104 WAC
COMMITTEE ON ADVANCED TUITION PAYMENT**

NEW SECTION

WAC 14-104-010 Time and place of committee meetings. The committee shall hold regular semiannual meetings at such time as it may fix. The annual meeting schedule shall be published in the *Washington State Register*. Special meetings may be requested by the chair of the committee or by a majority of the members of the committee and announced in accordance with law.

All regular and special meetings of the committee shall be held at The Capitol Campus, Olympia, Washington, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions.

No official business may be conducted by the committee except during a regular or special meeting.

NEW SECTION

WAC 14-104-020 Request for items to be placed on committee agenda. Anyone, other than a committee member wishing an item placed on the agenda of a committee meeting, must have a written request in the office of the secretary of the committee no later than twelve o'clock noon five business days before the next scheduled meeting of the committee. The secretary will relay the request to the chair of the committee as soon as feasible. The chair will determine whether the item is to be placed on the agenda. The chair or designee will notify the individual initiating the request as to whether or not the item will be placed on the agenda.

NEW SECTION

WAC 14-104-030 Delegation to director. The committee delegates to the director its authority and responsibility to administer the advanced college tuition payment program in accordance with laws, policies, and rules approved by the committee to the fullest extent permitted by law. At the operational level, the director has final administrative authority over all matters affecting the program. Employees of the program shall be employees of the higher education coordinating board and the board shall carry out administrative responsibilities otherwise not assigned to the committee until such time as the final structure and location of the program is decided by the legislature.

Chapter 14-108 WAC

PRACTICE AND PROCEDURE

NEW SECTION

WAC 14-108-010 Adoption of model rules of procedure. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250 are adopted for use for this program. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure.

NEW SECTION

WAC 14-108-020 Appointment of presiding officers. The chair or designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the chair or designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, the chair or designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 14-108-030 Method of recording. Proceedings shall be recorded by a method determined by the presiding officer, among those available under the model rules of procedure.

NEW SECTION

WAC 14-108-040 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: 1603 Cooper Point Road, Olympia, Washington 98504-3450.

Written application for an adjudicative proceeding should be submitted to the above address within twenty calendar days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 14-108-050 Brief adjudicative procedures. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. Brief adjudicative procedures shall be used in all matters related to withholding services of outstanding debts.

NEW SECTION

WAC 14-108-060 Discovery. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall refer to the civil rules of procedure. The presiding officer may control the frequency and nature of discovery permitted, and order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 14-108-070 Procedure for closing parts of the hearings. Any party may apply for a protective order to close part of a hearing. The party making the request shall state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten working days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons in writing within twenty working days of receiving the request.

WAC 14-108-080 Recording devices. No cameras or recording devices are allowed in those parts of proceedings that the presiding officer has determined shall be closed under WAC 14-108-070, except for the method of official recording selected by the committee.

Chapter 14-122 WAC

WITHHOLDING SERVICES FOR OUTSTANDING DEBTS

NEW SECTION

WAC 14-122-010 Policy. If any purchaser of an account, or any other person, is indebted to the program for an outstanding overdue debt, the committee need not provide any further services of any kind to such individual, including, but not limited to, transmitting files, records, vouchers, or other services which have been requested by such person.

NEW SECTION

WAC 14-122-020 Notification. (1) Upon receiving a request for services where there is an outstanding debt due to the program from the requesting person, the program shall notify the person by first-class 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, requested services will not be provided.

(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 chair of the committee or designee. The proceeding must be requested within twenty days of the date of mailing notification of refusal to provide services.

NEW SECTION

WAC 14-122-030 Procedure for brief adjudicative proceeding. Upon receipt of a timely request for a hearing, the person designated by the chair shall have the records and files of the program available for review and shall hold an informal hearing concerning whether the individual in fact owes any outstanding debts to the program. The hearing must be conducted within ten

working days of the request for a hearing. After the informal hearing, a decision shall be rendered by the chair's designee indicating whether in fact the program is correct in withholding services for the outstanding debt. If the outstanding debt is owed by the individual involved, no further services shall be provided. Notification of this decision shall be sent to the individual within five working days after the hearing. This hearing shall constitute a brief adjudicative proceeding established by the Administrative Procedure Act at RCW 34.05.482 through 34.05.494.

Chapter 14-133 WAC

ORGANIZATION

NEW SECTION

WAC 14-133-020 Organization--Operation--Information. (1)

Organization. The advanced college tuition payment program is established in Title 28B.95 RCW. The program is governed by the committee on advanced tuition payment composed of the executive director of the higher education coordinating board, the director of the office of financial management, and the state treasurer, or their designees. The committee employs a director, who administers the program.

(2) Operation. The administrative office is located at the following address:

1603 Cooper Point Road NE
Olympia, Washington 98504-3450

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

(3) Information. Information concerning the advanced college tuition payment program and contracts for the purchase of tuition units may be obtained at the following address:

1603 Cooper Point Road
Olympia, Washington

(4) The staff of the higher education coordinating board shall support the committee.

Chapter 14-134 WAC

DESIGNATION OF RULES COORDINATOR

NEW SECTION

WAC 14-134-010 Rules coordinator. The rules coordinator for the advanced college tuition payment program as designated by the committee is the director of the program.

Chapter 14-276 WAC

ACCESS TO PUBLIC RECORDS

NEW SECTION

WAC 14-276-010 Purpose. The purpose of this chapter is to ensure that the advanced college tuition payment program complies with the provisions of chapter 42.17 RCW and in particular with those sections of that chapter dealing with public records.

NEW SECTION

WAC 14-276-020 Definitions. (1) "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.

(2) "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) The "committee on advanced college tuition payment" is an agency organized by statute pursuant to chapter 28B.95 RCW. The committee on advanced college tuition payment shall hereafter be referred to as the "committee." Where appropriate, the term "committee" also refers to the staff and employees of the committee.

NEW SECTION

WAC 14-276-030 Description of central and field organization of the committee on advanced college tuition payment. (1) The committee on advanced college tuition payment is a state agency established and organized under the authority of chapter 28B.95 RCW for the purpose of implementing the advanced college tuition payment program ("program") established by the legislature. The administrative office of the program is located at 1603 Cooper Point Road, Olympia, Washington.

(2) The program is operated under the supervision and control of the committee. The committee consists of the executive director of the higher education coordinating board, the director of the office of financial management, and the state treasurer, or their designees. The committee normally meets semiannually, as provided in WAC 14-104-010. The committee employs a director and an administrative staff. The committee takes such actions and promulgates such rules and policies as are necessary to the administration and operation of the program.

(3) The director is responsible to the committee for the operation and administration of the program.

(4) The staff of the higher education coordinating board shall support the committee and the board shall carry out administrative responsibilities otherwise not assigned to the committee.

NEW SECTION

WAC 14-276-040 Operations and procedures. Formal decision-making procedures are established by the committee through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

NEW SECTION

WAC 14-276-050 Public records available. All public records of the program, 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 or other statutes.

NEW SECTION

WAC 14-276-060 Public records officer. The committee's public records shall be in the charge of the public records officer designated by the committee. The person so designated shall be located in the administrative office. The public records officer shall be responsible for the following: Implementation of the committee's rules regarding release of public records, coordinating employees in this regard, and generally ensuring compliance by committee employees with the public records disclosure requirements in chapter 42.17 RCW.

NEW SECTION

WAC 14-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the committee. 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., Monday through Friday, excluding legal holidays and holidays.

NEW SECTION

WAC 14-276-080 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 committee which shall be available at the committee's 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 committee's staff at the committee administrative office 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 public 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 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.

NEW SECTION

WAC 14-276-090 Copying. No fee shall be charged for the inspection of public records. The committee 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 and such charges shall not exceed the amount necessary to reimburse the committee 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 has tendered payment for such copying to the appropriate committee official. All charges must be paid by money order, cashier's check, or cash in advance.

NEW SECTION

WAC 14-276-100 Determination regarding exempt records. (1) The committee reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 14-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 or other statute. Such determination may be made in consultation with the public records officer, or an assistant attorney general assigned to the committee.

(2) Pursuant to RCW 42.17.260, the committee 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 or impair a vital governmental interest: *Provided, however,* That in each case, the justification for the 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 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.

NEW SECTION

WAC 14-276-110 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 chair of the committee or designee.

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

(4) During the course of the review the chair or designee shall consider the obligations of the committee 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 the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the provisions of the statute which require the committee 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.

NEW SECTION

WAC 14-276-120 Protection of public records. Requests for public records shall be made at the administrative office of the committee at 1603 Cooper Point Road, Olympia, 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 14-276-090.

NEW SECTION

WAC 14-276-130 Records index.

(1) The committee 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 committee after September 1, 1998:

- (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 committee whereby the committee 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 committee shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

NEW SECTION

WAC 14-276-140 Adoption of form.

The committee 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 COMMITTEE ON ADVANCED
TUITION PAYMENT

(a)

Name (please print) Signature

.....

Name or Organization, if applicable

.....

Mailing Address Phone Number
of Applicant

Chapter 14-325 WAC

STATE ENVIRONMENTAL POLICY ACT RULES

NEW SECTION

WAC 14-325-010 Implementation of State Environmental Policy Act. (1) It shall be the policy of the committee on advanced tuition payment that all actions taken by the committee shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapters 197-11 and 132-24 WAC.

(2) The chair of the committee or designee shall be responsible for administering and implementing this policy.