



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Bellevue Community College, Community College District VIII

order 10.3

- Permanent Rule
 Emergency Rule

(1) Date of adoption: March 13, 1990

(2) Purpose: The adoption of Section 040 insures compliance with RCW 34.05, the new Administrative Procedures Act regarding Student Athletic Participation at Community College District VIII.

(3) Citation of existing rules affected by this order: WAC 132H-400-005 through 040

- Repealed: States the grounds for ineligibility for any student in violation of
Amended: 69.41 RCW and the procedures for suspension, hearing and decision should
Suspended: there be a violation.

(4) Authority for adoption:

Statute: RCW 28B.50.140
Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 90-03-078 on January 22, 1990 (date).

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

(5.2) EMERGENCY RULE ONLY

Pursuant to 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:

(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

- 31 days after filing
 Other (specify) _____ *
- Immediately
 Later (specify) _____

* (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

APR 18 1990

TIME: 9:14 ^{AM}_{PM}
WSR 90-09-067

NAME (TYPE OR PRINT)

Phyllis C. Hudson

SIGNATURE

Phyllis C. Hudson

SECRETARY, Board of Trustees

DATE
3-13-90

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT VIII
Bellevue, Washington

RESOLUTION NO. 190

ADMINISTRATIVE ORDER NO. 103

A RESOLUTION RELATING TO adopting Chapter 132H-400 - Student Athletic Participation as Permanent Rules.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT VIII, STATE OF WASHINGTON:

WAC 132H-400-005 through 040 - Student Athletic Participation are hereby adopted.

APPROVED AND ADOPTED _____ March 13, 1990

BOARD OF TRUSTEES

Richard Sonstelie
Richard Sonstelie, Chairman

George Northcroft
George Northcroft, Vice-Chairman

Evelyn C. Kest
Evelyn C. Kest, Trustee

Carol James
Carol James, Trustee

Sally B. Jarvis
Sally Jarvis, Trustee

ATTEST:

Phyllis C. Hudson

Phyllis C. Hudson
Secretary, Board of Trustees
Community College District VIII

NEW SECTION

WAC 132H-400-005 TITLE. WAC Chapter 132H-400 will be known as Student Athletic Participation.

NEW SECTION

WAC 132H-400-010. GROUNDS FOR INELIGIBILITY. Any student found by Bellevue Community College to have violated chapter 69.41 RCW by virtue of a criminal conviction or otherwise insofar as it prohibits the possession, use or sale of legend drugs, including anabolic steroids, will be disqualified from participation in any school-sponsored athletic event or activity.

NEW SECTION

WAC 132H-400-020. SUSPENSION PROCEDURE--RIGHT TO INFORMAL HEARING. Any student notified of a claimed violation of WAC 132H-400-010 shall have the right to a brief adjudicative hearing if a written request for such a hearing is received by the Dean of Students within three days of receipt of a declaration of further athletic ineligibility. If no written request is received within three days after receipt of the declaration of athletic ineligibility, the student will be deemed to have waived any right to a brief adjudicative hearing and will be declared ineligible from further participation in school-sponsored athletic events for the remainder of the school year.

NEW SECTION

WAC 132H-400-030. HEARING. If a timely written request for a hearing is made, the Dean of Students shall designate a hearing officer who shall be a college officer who is not involved with the athletic program to conduct the brief adjudicative hearing. The hearing officer shall promptly conduct the hearing and permit affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, RCW 34.05.482-494.

NEW SECTION

WAC 132H-400-040. DECISION. The college official who acts as hearing officer shall issue a written decision which shall include a brief statement of the reasons for the decision and a notice that judicial review may be available. All documents presented, considered or prepared by the hearing officer shall be maintained as the official record of the brief administrative proceeding. A decision must be promptly rendered after the conclusion of the brief adjudicative hearing and in no event later than 20 days after the request for hearing is received by the Dean of Students.