

**WSR 09-18-080**  
**EXPEDITED RULES**  
**YAKIMA VALLEY**  
**COMMUNITY COLLEGE**  
 [Filed August 31, 2009, 11:57 a.m.]

Title of Rule and Other Identifying Information: Public records, chapter 132P-276 WAC.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Suzanne West, Public Records Officer, Yakima Valley Community College, P.O. Box 22520, Yakima, WA 98907-2520, AND RECEIVED BY November 2, 2009.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The intent of this rule change is to update the current WAC to reflect a change in the RCW designation in the underlying law from chapter 42.17 RCW to chapter 42.56 RCW.

Reasons Supporting Proposal: Effective July 1, 2006, the public records law was moved from chapter 42.17 RCW to chapter 42.56 RCW.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: Chapter 42.56 RCW, Public Records Act.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Suzanne West, Yakima Valley Community College, public.

Name of Agency Personnel Responsible for Drafting: Suzanne West, Prior Annex Room 101, Yakima Valley Community College, South 16th Avenue and Nob Hill Boulevard, Yakima, Washington, (509) 574-4635.

August 31, 2009  
 Suzanne West  
 Public Records Officer

AMENDATORY SECTION (Amending WSR 00-01-076, filed 12/13/99, effective 1/13/00)

**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 ((42-17)) 42.56 RCW.

AMENDATORY SECTION (Amending WSR 00-01-076, filed 12/13/99, effective 1/13/00)

**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

((42-17)) 42.56 RCW and chapter 132P-276 WAC or other applicable law.

AMENDATORY SECTION (Amending WSR 00-01-076, filed 12/13/99, effective 1/13/00)

**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 ((42-17)) 42.56 RCW.

AMENDATORY SECTION (Amending WSR 00-01-076, filed 12/13/99, effective 1/13/00)

**WAC 132P-276-060 Requests for public records.** In accordance with requirements of chapter ((42-17)) 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:

(a) The name of the person requesting the record;

(b) The time of day and calendar date of the request;

(c) The nature of the request;

(d) If the matter requested is referenced within an index maintained by the college, a reference to the requested record as described in such index;

(e) 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:

(a) Providing copies of the requested records;

(b) 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.

AMENDATORY SECTION (Amending WSR 00-01-076, filed 12/13/99, effective 1/13/00)

**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 ~~((42-17))~~ 42.56 RCW or other applicable law.

(2) In addition, pursuant to RCW ~~((42-17-260))~~ 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.

AMENDATORY SECTION (Amending WSR 00-01-076, filed 12/13/99, effective 1/13/00)

**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 ~~((42-17))~~ 42.56 RCW, the exemptions provided in RCW ~~((42-17-310))~~ 42.56.210 or other pertinent statutes, and the statutory provisions which require the college to protect public 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 writ-

ten 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.

AMENDATORY SECTION (Amending WSR 00-01-076, filed 12/13/99, effective 1/13/00)

**WAC 132P-276-110 Records index.** An index of all documents required to be indexed by RCW ~~((42-17-260))~~ 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.

**WSR 09-18-124**  
**EXPEDITED RULES**  
**STATE BOARD OF HEALTH**  
[Filed September 2, 2009, 11:42 p.m.]

Title of Rule and Other Identifying Information: WAC 246-105-040 Requirements based on national immunization guidelines, this proposal updates the reference of national immunization guidelines as they relate to Washington state school and child care center immunization requirements against certain vaccine-preventable diseases.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jeff Wise, Department of Health, Washington State Department of Health, Town Center 2, 111 Israel Road S.E., P.O. Box 47843, Olympia, WA 98504-7843, AND RECEIVED BY November 2, 2009.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal updates the reference to the advisory committee on immunization practices' (ACIP) recommended childhood and adolescent immunization schedule from the 2008 version to the 2009 version. The proposed effective date is July 1, 2010. Because the 2009 ACIP immunization schedule has no substantive changes from the 2008 version for Washington's school and child care immunization requirements, the pro-

posal's update will be technical only. Nothing in the reference of ACIP's 2009 immunization schedule will require any change to the work schools and child care centers currently perform to implement the immunization requirements of chapter 246-105 WAC.

Reasons Supporting Proposal: This rule revision is necessary to maintain consistency between the national immunization guidelines as set by the ACIP and Washington state school and child care center immunization requirements.

An expedited rule-making process was chosen for this proposal because it is a technical change to update a reference to national immunization guidelines. This proposal creates no change to the implementation, enforcement or fiscal impact to schools and child care centers in satisfying the immunization requirements of existing WAC.

Statutory Authority for Adoption: RCW 43.20.050, 28A.210.140.

Statute Being Implemented: RCW 28A.210.140.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state board of health, governmental.

Name of Agency Personnel Responsible for Drafting: Jeff Wise, 111 Israel Road S.E., TC2, Tumwater, WA 98501, (360) 236-3483; Implementation and Enforcement: Janna Bardi, 111 Israel Road S.E., TC2, Tumwater, WA 98501, (360) 236-3568.

September 2, 2009

Craig McLaughlin

Executive Director

(a) Documentation on the CIS form that the child received age appropriate varicella vaccine; or

(b) Diagnosis or verification of a history of varicella disease by a health care provider; or

(c) Diagnosis or verification of a history of herpes zoster by a health care provider; or

(d) Serologic proof of immunity against varicella; or

(e) Documentation by the parent that a child has a history of varicella. This type of proof will be accepted only for certain grade levels described in the department's implementation guidelines according to WAC 246-105-090(2).

AMENDATORY SECTION (Amending WSR 09-02-003, filed 12/26/08, effective 1/26/09)

**WAC 246-105-040 Requirements based on national immunization guidelines.** The department shall develop and distribute implementation guidelines for schools and child care centers that are consistent with the national immunization guidelines described in this section and the requirements in WAC 246-105-090.

(1) Unless otherwise stated in this section, a child must be vaccinated against each vaccine-preventable disease listed in WAC 246-105-030 at ages and intervals according to the following published national immunization guidelines:

(a) ~~((Effective July 1, 2008, the "Recommended Immunization Schedule for Persons Aged 0-18 Years, United States, 2007"; as published in the Morbidity and Mortality Weekly Report (MMWR), 2007;55(51 and 52):Q1-4.~~

~~(b))~~ Effective July 1, 2009, the "Recommended Immunization Schedule for Persons Aged 0-18 Years, United States 2008"; as published in MMWR 2008;57(01):Q1-4.

(b) Effective July 1, 2010, the "Recommended Immunization Schedule for Persons Aged 0-18 Years, United States, 2009"; as published in MMWR 2009;57(51 and 52):Q1-4.

(2) In addition to the ages and intervals required by subsection (1) of this section, the following vaccine administration guidelines shall apply. Schools and child care centers may accept one of the following as proof of a child's immunization status against varicella: