

**WSR 15-09-001**  
**EXPEDITED RULES**  
**GREEN RIVER COLLEGE**

[Filed April 1, 2015, 1:38 p.m.]

Title of Rule and Other Identifying Information: WAC 132J-108-040 Application for adjudicative proceeding, 132J-116-010 Purpose for adopting rules, 132J-116-021 Definitions, 132J-126-010 Purpose, 132J-126-030 Definitions, 132J-126-070, Denial of access to Green River Community College, 132J-126-080 Rights of ownership of works, 132J-128-200 Board policy on tenure and dismissals, 132J-141-010 Prohibited activities, 132J-150-010 Use of college facilities, 132J-150-060 Prohibited conduct at college facilities, 132J-155-010 Statement of purpose, 132J-155-020 Definitions, 132J-155-040 Additional requirements for noncollege groups, 132J-160-010 Purpose, 132J-160-020 Definitions, 132J-164-010 Purpose of the Buckley Family Educational Rights and Privacy Act policy for Green River Community College, 132J-164-020 Definitions, 132J-276-010 Purpose, 132J-276-020 Definitions, 132J-276-030 Description of central and field organization of Community College District No. 10, 132J-276-040 Operations and procedures, 132J-276-100 Exemptions, 132J-276-110 Review of denials of public records requests, 132J-276-120 Protection of public records, 132J-276-900 Appendix "A"—Request for public record to Community College District No. 10, 132J-300-010 Grievance procedure—Sex discrimination, and 132J-325-010 State Environmental Policy Act (SEPA).

**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 Allison Friedly, Executive Director of College Relations, Green River College, 12401 S.E. 320th Street, Auburn, WA 98092-3622, AND RECEIVED BY June 22, 2015.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: On December 18, 2014, the board of trustees for the tenth college district approved changing the name of the college from "Green River Community College" to "Green River College." These proposed rule changes implement the name change throughout Title 132J WAC. The word "community" is removed from all references to Green River Community College and Community College District Ten. The proposed change in WAC 132J-276-100 changes the words "delete" and "deletion" to "redact" and "redaction" to clarify that information in the responsive records is being redacted and not deleted when responding to public record requests. In WAC 132J-276-040 and 132J-276-120 the words "Holman library" are being deleted, and the words "administration building" are being added to clarify that the administration building, rather than the library, is the location for submitting requests for public

records and conducting regular meetings of the board of trustees. The proposed change to WAC 132J-276-110 removes reference to the gender of the president without changing the effect of the rule. Expedited rule making is allowed under RCW 34.05.353 (1)(c) to make name changes, address changes, and clarify language in rules.

Reasons Supporting Proposal: Green River College's rules need to be amended to reflect the college's new name, to clarify that records are redacted and not deleted, to remove a gender-specific reference to the president, and to clarify the location for filing public record requests and for holding regular board meetings.

Statutory Authority for Adoption: RCW 28B.50.140 (13).

Statute Being Implemented: None. Proposed rules make name change and clarifications without changing effect of rules.

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

Name of Proponent: Green River College, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Allison Friedly, 12401 S.E. 320th Street, Auburn, WA 98092, (253) 288-3360.

April 1, 2015  
Allison Friedly  
Executive Director  
of College Relations

AMENDATORY SECTION (Amending WSR 90-22-067, filed 11/5/90, effective 12/6/90)

**WAC 132J-108-040 Application for adjudicative proceeding.** An application for adjudicative proceeding shall be in writing. Application forms are available at the following address:

Office of the President  
Green River (~~Community~~) College  
12401 S.E. 320th Street  
Auburn, WA 98002

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

AMENDATORY SECTION (Amending WSR 94-04-052, filed 1/31/94, effective 3/3/94)

**WAC 132J-116-010 Purpose for adopting rules.** Pursuant to RCW 28B.50.140(10), the board of trustees of Green River (~~Community~~) College, District 10, is granted authority to make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the college district. The rules and regulations contained in this chapter are adopted under that authority for the following purposes:

- (1) To protect and control pedestrian and vehicular traffic;
- (2) To assure access at all times for emergency traffic;

(3) To minimize traffic disturbance during class hours; and

(4) To facilitate the operation of the ((community)) college by assuring access for vehicles and regulating the use of parking spaces.

AMENDATORY SECTION (Amending WSR 94-04-052, filed 1/31/94, effective 3/3/94)

**WAC 132J-116-021 Definitions.** As used in this chapter:

(1) "Board" shall mean the board of trustees of Green River ((Community)) College, District 10, state of Washington.

(2) "Campus" shall mean any and all public lands owned, operated, or maintained by Green River ((Community)) College, District 10, state of Washington.

(3) "Campus security officer" shall mean an independent contractor or employee of the college who is designated by the vice-president for business affairs as being responsible for campus traffic control, parking, and security.

(4) "College" shall mean Green River ((Community)) College, District 10, state of Washington.

(5) "Faculty member" or "academic employee" shall mean any employee of Green River ((Community)) College, District 10, state of Washington whose employment is as a teacher, counselor, librarian or academic department head, except an administrator.

(6) "Parking permit" shall mean a writing issued under the authority of the vice president for business affairs which grants a license to its authorized holder to park a designated vehicle on the campus for a time period and under conditions stated thereon.

(7) "Permanent" parking permits shall mean permits which are valid, as specified thereon, for a school term or a portion thereof exceeding one month.

(8) "School term" shall mean, unless otherwise designated, the time period commencing with the summer quarter of a ((community)) college calendar year and extending through the immediately subsequent fall, winter, and spring quarters.

(9) "Staff member" shall mean a contracted or classified employee of Green River ((Community)) College, District 10, state of Washington.

(10) "Student" shall mean any person who is enrolled in Green River ((Community)) College.

(11) "Temporary" parking permits shall mean permits which are valid for a specific period designated on the permit up to a maximum of one month.

(12) "Vehicle" shall mean an automobile, truck, motor cycle, motor scooter, or other motor-driven vehicle.

(13) "Vice-president for business affairs" shall mean the college employee designated with that job title or with the responsibilities of that title by the president, and any person designated by the vice-president to act for her/him on any matter(s) arising under this chapter.

(14) "Visitor" shall mean any person other than a student, faculty member, staff member, or officer of the college, who lawfully comes upon the campus for purposes which are

in keeping with the college's role as an institution of higher education in the state of Washington.

AMENDATORY SECTION (Amending WSR 14-24-129, filed 12/3/14, effective 1/3/15)

**WAC 132J-126-010 Purpose.** (1) Green River ((Community)) College, an agency of the state of Washington, provides a variety of educational opportunities for students; namely the opportunities to examine the academic, vocational, technical, cultural, social, and recreational aspects of society. Green River ((Community)) College as an institution of society must maintain conditions conducive to the effective performance of its functions. Consequently, Green River ((Community)) College has special expectations regarding the conduct of students. Student conduct that detracts from, or interferes with, the accomplishment of college purposes is not acceptable.

(2) The student is a member of the community at large, and as such has the rights and responsibilities of any citizen. In addition, admission to Green River ((Community)) College carries with it the presumption that students will conduct themselves as responsible members of the college community. This includes an expectation that students will obey the law, will comply with rules and regulations of the college, will maintain a high standard of integrity and honesty, and will respect the rights, privileges, and property of other members of the college community.

(3) The following rules regarding the conduct of students are adopted in order to provide students a full understanding of the rules that will enable the college to maintain conditions conducive to the effective performance of the college's functions. Sanctions for violations of the rules of student conduct will be administered by the college in the manner provided by said rules. When violation(s) of laws of the state of Washington and/or the United States are also involved, the college may refer such matters to the appropriate authorities. In cases of minors, this conduct may also be referred to parents or legal guardians.

(4) The office of judicial programs, under the leadership of the vice-president of student affairs, maintains and administers the student code of conduct for Green River ((Community)) College. The office of judicial programs and Green River ((Community)) College strive to engage our students to become civic minded citizens who positively contribute to society and achieve their educational goals. The office of judicial programs seeks to educate students as to their rights, responsibilities, and expectations as members of Green River ((Community)) College while providing a fair and educational process through which alleged violations of the code of conduct are adjudicated.

AMENDATORY SECTION (Amending WSR 14-24-129, filed 12/3/14, effective 1/3/15)

**WAC 132J-126-030 Definitions.** The following definitions shall apply for the purpose of this student conduct code: "Assembly" is any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons, or groups of persons.

"Business day" means a weekday, excluding weekends and college holidays.

"Cheating" is defined as intentional deception in producing or creating academic work. Cheating includes, but is not limited to:

- (a) Intentional plagiarism;
- (b) Selling or giving your own completed work to others who intend to turn it in as their own;
- (c) Purchasing or accepting the work of others with the intent of turning it in as your own;
- (d) Acquiring and/or using teachers' editions of textbooks, without the permission of the specific instructor, in order to complete your course assignments;
- (e) Obtaining or attempting to obtain an examination prior to its administration;
- (f) Referring to devices, materials or sources not authorized by the instructor;
- (g) Receiving assistance from another person when not authorized by the instructor;
- (h) Providing assistance to another person when not authorized by the instructor;
- (i) Taking an examination for another person;
- (j) Obtaining or attempting to obtain another person to take one's own examination;
- (k) Falsifying laboratory results or copying another person's laboratory results; and
- (l) Falsifying or attempting to falsify the record of one's grades or evaluation.

"College" means Green River ((Community)) College.

"College facilities" includes all buildings, structures, grounds, office space, and parking lots.

"College groups" shall mean individuals or groups who are currently enrolled students or current employees of the college, or guests of the college who are sponsored by a recognized student organization, employee organization, or the administration of the college.

"College official" includes any person employed by the college, performing assigned administrative or professional responsibilities.

"College premises" shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, or controlled by the college.

"Complainant" means any person who submits a charge alleging that a student violated the student code. When a student believes that she/he has been a victim of another student's misconduct, the student who believes she/he has been a victim will have the same rights under this student code as are provided to the complainant, even if another member of the college community submitted the charge himself or herself.

"Conduct review officer" is the vice-president of student affairs or other college administrator designated by the president to be responsible for receiving and for reviewing or referring appeals of student disciplinary actions in accordance with the procedures of this code. The president is authorized to reassign any and all of the conduct review officer's duties or responsibilities as set forth in this chapter as may be reasonably necessary.

"Disciplinary action" is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.

"Disciplinary appeal" is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension in excess of ten instructional days or a dismissal are heard by the student conduct appeals board. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings.

"Expressive activity" includes, but is not necessarily limited to, informational picketing, petition circulation, the distribution of informational leaflets or pamphlets, speech making, demonstrations, rallies, appearances of speakers in outdoor areas, protests, meetings to display group feelings or sentiments and/or other types of assemblies to share information, perspectives or viewpoints.

"Fabrication" is defined as intentional misrepresentation of an activity done by a student for an academic project or practicum. Fabrication includes, but is not limited to:

- (a) Counterfeiting data, research results, information, or procedures with inadequate foundation in fact;
- (b) Counterfeiting a record of internship or practicum experiences;
- (c) Submitting a false excuse for absence or tardiness; and
- (d) Unauthorized multiple submission of the same work; sabotage of others' work.

"Faculty member" means any person hired by the college to conduct classroom, counseling, or teaching activities or who is otherwise considered by the college to be a member of its faculty.

"Filing" is the process by which a document is officially delivered to a college official responsible for facilitating a disciplinary review. Unless otherwise provided, filing shall be accomplished by:

- (a) Hand delivery of the document to the specified college official or college official's assistant; or
- (b) By sending the document by e-mail and first class mail to the specified college official's office and college e-mail address.

Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official.

"May" is used in the permissive sense.

"Member of the college community" includes any person who is a student, faculty member, college official or any other person employed by the college. A person's status in a particular situation shall be determined by the vice-president of student affairs or designee.

"Noncollege groups" shall mean individuals, or combinations of individuals, who are not currently enrolled students or current employees of the college and who are not officially affiliated or associated with, or invited guests of a recognized student organization, recognized employee group, or the administration of the college.

"Organization" means number of persons who have complied with the formal requirements for college recognition/registration.

"Plagiarism" is defined as using others' original ideas in your written or spoken work without giving proper credit.

(a) Ideas include, but are not limited to:

- (i) Facts;
- (ii) Opinions;
- (iii) Images;
- (iv) Statistics;
- (v) Equations;
- (vi) Hypotheses;
- (vii) Theories.

(b) Plagiarism can occur in two ways: Intentional and unintentional.

(c) Ways that intentional plagiarism occur include, but are not limited to:

- (i) Turning in someone else's work as your own;
- (ii) Copying words or ideas from someone else without giving credit;
- (iii) Failing to put a quotation in quotation marks;
- (iv) Giving incorrect information about the source of a quotation;
- (v) Changing words but copying the sentence structure of a source without giving credit;
- (vi) Copying so many words or ideas from a source that it makes up the majority of your work, whether you give credit or not.

(d) Unintentional plagiarism may occur when a student has tried in good faith to document their academic work but fails to do so accurately and/or thoroughly. Unintentional plagiarism may also occur when a student has not had course work covering plagiarism and documentation and is therefore unprepared for college academic writing or speaking.

"Policy" means the written regulations of the college as found in, but not limited to, the student code, the college web page and computer use policy, and catalogs.

"Respondent" is the student against whom disciplinary action is initiated.

"Service" is the process by which a document is officially delivered to a party. Unless otherwise provided, service upon a party shall be accomplished by:

- (a) Hand delivery of the document to the party; or
- (b) By sending the document by e-mail and by certified mail or first class mail to the party's last known address.

Service is deemed complete upon hand delivery of the document or upon the date the document is e-mailed and deposited in the mail.

"Shall" is used in the imperative sense.

"Student" includes all persons taking courses at or through the college, whether on a full-time or part-time basis, and whether such courses are credit courses, noncredit courses, online courses, or otherwise. Persons who withdraw after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admission are considered students.

"Student conduct officer" is a college administrator designated by the president or vice-president of student affairs to be responsible for implementing and enforcing the student conduct code. The president or vice-president of student affairs is authorized to reassign any and all of the student con-

duct officer's duties or responsibilities as set forth in this chapter as may be reasonably necessary.

"The president" is the president of the college. The president is authorized to delegate any and all of his or her responsibilities as set forth in this chapter as may be reasonably necessary.

"Vice-president of student affairs" means the college administrator who reports to the college president, who serves as the college's student judicial affairs administrator, and who is responsible for administering the student rights and responsibilities code. The vice-president of student affairs may designate a student conduct officer to fulfill this responsibility.

AMENDATORY SECTION (Amending WSR 14-24-129, filed 12/3/14, effective 1/3/15)

**WAC 132J-126-070 Denial of access to Green River ((Community)) College.** (1) The vice-president of student affairs may deny admission to a prospective student, or continued attendance to an enrolled student, if it reasonably appears that the student would not be competent to profit from the curriculum offerings of the college, or would, by the student's presence or conduct, create a disruptive atmosphere within the college or a substantial risk of actual harm to self or other members of the campus community.

(2) Denial of access decisions may be appealed, as or like disciplinary actions, to the student conduct committee.

AMENDATORY SECTION (Amending WSR 14-24-129, filed 12/3/14, effective 1/3/15)

**WAC 132J-126-080 Rights of ownership of works.** It shall be the policy of Green River ((Community)) College that employees of the college shall not use students' published or unpublished works for personal gain without written consent of the student.

AMENDATORY SECTION (Amending WSR 94-04-053, filed 1/31/94, effective 3/3/94)

**WAC 132J-128-200 Board policy on tenure and dismissals.** (1) In accordance with RCW 28B.50.852, the board of trustees of College District No. 10, the appointing authority of Green River ((Community)) College, adopts this rules chapter to implement RCW ((28B.50.850-869)) 28B.50.850 - 28B.50.869.

(2) The board of trustees recognizes the importance of faculty tenure and appropriate tenure review and dismissal review processes in a higher education institution. The board further recognizes its own ultimate statutory responsibilities in these regards. Accordingly, the board reserves all of its statutory powers and rights regarding the awarding of faculty tenure and the dismissal of faculty, except as expressly provided otherwise in this chapter.

(3) The board also recognizes the important role of the faculty and the faculty's bargaining representative in helping to determine the college's procedures for awarding tenure and dismissing faculty((—)) and helping to implement those procedures. Accordingly, the board will continue to negotiate with that bargaining representative to include major aspects

of the tenure and dismissal review processes in the faculty collective bargaining agreements.

(4) These rules are intended to avoid unnecessary duplication of the controlling statutes and/or currently effective provisions of a faculty collective bargaining agreement, while providing for situations not covered thereby.

AMENDATORY SECTION (Amending Order 75-3, filed 12/16/75)

**WAC 132J-141-010 Prohibited activities.** It shall be prohibited on or in property either owned, controlled or operated by Green River ((Community)) College, District No. 10, for anyone to use or have on his/her person firearms or solid explosives, except duly commissioned law enforcement officers and other individuals who receive written prior approval from the president of the college or his designee. Sanctions for violations of this rule may include, but are not limited to, suspension, dismissal and/or expulsion or removal from campus.

AMENDATORY SECTION (Amending WSR 14-24-129, filed 12/3/14, effective 1/3/15)

**WAC 132J-150-010 Use of college facilities.** Because Green River ((Community)) College is an educational institution provided and maintained by the people of the state, its campus, buildings, properties, and facilities shall be reserved at all times for those activities which either are related directly to its educational mission or are justifiable on the basis of their contributions to the cultural, social, or economic development of the state.

AMENDATORY SECTION (Amending WSR 14-24-129, filed 12/3/14, effective 1/3/15)

**WAC 132J-150-060 Prohibited conduct at college facilities.** (1) State law relative to public institutions governs the use or possession of intoxicants on campus or at college functions. The use or possession of unlawful narcotics or drugs, not medically prescribed, on college property or at college functions, is prohibited. Students obviously under the influence of intoxicants, unlawful drugs or narcotics while in college facilities shall be subject to disciplinary action.

(2) A lottery or any other form of gambling is prohibited at Green River ((Community)) College.

(3) The use of tobacco, electronic cigarettes, and related products is not allowed on college premises.

(4) Destruction of property is also prohibited by state law in reference to public institutions.

AMENDATORY SECTION (Amending WSR 14-24-129, filed 12/3/14, effective 1/3/15)

**WAC 132J-155-010 Statement of purpose.** Green River ((Community)) College is an educational institution provided and maintained by the people of the state of Washington. College facilities are reserved primarily for educational use including, but not limited to, instruction, research, public assembly of college groups, student activities and other activities directly related to the educational mission of

the college. The public character of the college does not grant to individuals the right to substantially interfere with, or otherwise disrupt the normal activities for and to which the college's facilities and grounds are dedicated. Accordingly, the college is designated a public forum opened for the purposes recited herein and further subject to the time, place, and manner provisions set forth in these rules.

The purpose of the time, place, and manner regulations set forth in this policy is to establish procedures and reasonable controls for the use of college facilities for both college and noncollege groups. It is intended to balance the college's responsibility to fulfill their mission as state educational institutions of Washington with the interests of college groups and noncollege groups who are interested in using the campus for purposes of constitutionally protected speech, assembly or expression. The college recognizes that college groups should be accorded the opportunity to utilize the facilities and grounds of the college to the fullest extent possible. The college intends to open its campus to noncollege groups to the extent that the usage does not conflict with the rights of college groups or substantially disrupt the educational process.

AMENDATORY SECTION (Amending WSR 14-24-129, filed 12/3/14, effective 1/3/15)

**WAC 132J-155-020 Definitions.** "College facilities" or "campus" includes all buildings, structures, grounds, office space, and parking lots.

"College group" means individuals who are currently enrolled students or current employees of Green River ((Community)) College or individuals who are sponsored by faculty, a recognized student organization or a recognized employee group of the college.

"Noncollege group" means individuals or groups who are not currently enrolled students or current employees of Green River ((Community)) College.

"Public forum areas" means those areas of campus that the college has chosen to be open as places for expressive activities protected by the first amendment, subject to reasonable time, place or manner provisions.

"Sponsor" means that when a college group invites a noncollege group onto campus, the college group will be responsible for the activity and will designate an individual to be present at all times during the activity. The sponsor will ensure that those participating in the sponsored activity are aware of the college's rules and policies governing the activity. This definition does not apply to noncollege groups that rent college facilities.

AMENDATORY SECTION (Amending WSR 14-24-129, filed 12/3/14, effective 1/3/15)

**WAC 132J-155-040 Additional requirements for noncollege groups.** (1) College facilities may be rented by noncollege groups in accordance with the college's facilities use policy. Noncollege groups may otherwise use college facilities in accordance with Green River ((Community)) College's rules.

(2) The college designates its grounds and outdoor spaces as the public forum area(s) for use by noncollege

groups for first amendment activities on campus. Nothing in these rules prohibits noncollege groups from engaging in first amendment activities at open public meetings, subject to the requirements of RCW 42.30.050.

(3) Noncollege groups may use the public forum areas for first amendment activities between the hours of 6:00 a.m. and 10:00 p.m. on days that the college is open to the general public.

(4) Before engaging in first amendment activities, all noncollege groups are encouraged to sign in and notify the college of the noncollege group's presence on campus and to acknowledge receipt of these rules and to ensure that there are no scheduling conflicts. This notice does not involve any application or approval process, and therefore, the ability to use designated areas will not be denied unless they are already reserved for use by another group. This notice is intended to provide the college with knowledge of the noncollege group's presence on campus so that the college can notify the appropriate members of its staff whose services might be needed or impacted by the use of the designated area. When signing in, the individual or group are encouraged to provide the following information:

- (a) The name, address, and telephone number of the individual, group, entity, or organization sponsoring the activity (hereinafter "the sponsoring organization");
- (b) The name, address, and telephone number of a contact person for the sponsoring organization;
- (c) The date, time, and requested location of the activity;
- (d) The type of sound amplification devices to be used in connection with the activity, if any; and
- (e) The estimated number of people expected to participate in the activity.

AMENDATORY SECTION (Amending WSR 84-11-021, filed 5/11/84)

**WAC 132J-160-010 Purpose.** The board of trustees of ((Community)) College District No. 10 proposes the adoption of policies for administering the refund of tuition and special course/program connected fees when a student withdraws from college or reduces class load.

AMENDATORY SECTION (Amending WSR 84-11-021, filed 5/11/84)

**WAC 132J-160-020 Definitions.** (1) "Withdraw" - When a student formally leaves college by completing the forms and procedures established by the college.

(2) "Misconduct" - When a student has violated a college rule or policy which results in dismissal from college.

(3) "Tuition" - Fees collected by ((Community)) College District No. 10 which include the general tuition fees, operating fees and the services and activities fees.

(4) "Special course/program connected fees" - Fees other than tuition required for enrollment (i.e., equipment fees, laboratory material fees, etc.).

AMENDATORY SECTION (Amending Order 77-3, filed 8/30/77)

**WAC 132J-164-010 Purpose of the Buckley Family Educational Rights and Privacy Act policy for Green River ((Community)) College.** (1) The Family Educational Rights and Privacy Act of 1974 requires that colleges adopt policies and guidelines concerning the rights of students to inspect their educational records and the releasing of such records to third parties. The act also provides that such students shall have the right of hearings to correct or delete inaccurate, misleading or inappropriate data. The act also provides that students shall be informed of the categories of records maintained by the college which are related and identifiable to the student.

(2) Green River ((Community)) College is committed to conform to the minimum requirements of Section 438, Public Law 90-247 Title IV, as amended, 88 Stat 571-574 (20 U.S.C. 1232g) otherwise known as the Buckley Amendment Family Educational Rights and Privacy Act.

(3) Green River ((Community)) College is also committed to conform to the minimum requirements of the statement of the rights and responsibilities of the student body of Green River ((Community)) College (chapter 132J-120 WAC((—)) - See Appendix).

(4) In compliance with the above-stated guidelines this policy is designed to insure continued confidentiality of student records and to govern the release of personally identifiable information therein.

AMENDATORY SECTION (Amending Order 77-3, filed 8/30/77)

**WAC 132J-164-020 Definitions.** (1) "Administrative unit" shall mean any one of a number of offices under the direction of a particular administrator, and set up to maintain a variety of records and processes for the college.

(2) "Administrator" shall mean those employees whose job duties are administrative by job description and who exercise supervisory or other managerial responsibilities over other employees.

(3) "Classified person" shall mean any employee who is contracted for a job that is listed and classified with the higher education personnel board of the state of Washington.

(4) "College" shall mean Green River ((Community)) College, District 10, state of Washington and the personnel thereof, and any other ((community)) college centers or facilities established within District 10, state of Washington.

(5) "Confidentiality" shall mean the state of being held in secrecy or privacy, so as not to be available to third parties.

(6) "Coordinator of admissions" is the college employee who is charged with the responsibility for maintaining applications, transcripts from other institutions, closed program records, and other records required or developed in the admissions process.

(7) "Credentials" shall mean those records and recommendations kept on file by the placement office for job or college placement purposes.

(8) "Dean for students" shall mean the dean for students of Green River ((Community)) College, District 10, state of Washington.

(9) "Directory information" includes the following information relating to a student: The student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, and other similar information.

(10) "Educational records" are official transcripts, documents, references, or other such information which is in writing and is preserved as evidence.

(11) "Faculty" shall mean any employee of Green River ((Community)) College, District 10, state of Washington who has employment as a teacher, counselor, librarian, or other position for which the training, experience, and responsibilities are comparable as determined by the appointing authority, except administrative appointments.

(12) "Financial aids officer" is the college employee who is charged with the responsibility for maintaining applications for financial aids, student financial records, records of financial aids awards, work-study, and other information as may pertain to the operations of the financial aid office.

(13) "Identifiable information" shall mean any record or information of such a nature as to aid in or cause the identification of the person to whom it relates.

(14) "Placement officer" is the college employee who is charged with the responsibility for maintaining credentials, recommendations, and other information as may relate to the placement office.

(15) "President" is the chief executive of the college appointed by the board of trustees.

(16) "Registrar" is the college administrative employee who is charged with the responsibility for maintaining transcripts, grades, and grade rosters.

(17) "Student" is any person enrolled at the college.

(18) "Student body of Green River ((Community)) College" includes all persons who are enrolled in classes at the college.

(19) "Student body president" shall mean the person elected to the position so-titled by a vote of the student body of Green River ((Community)) College.

(20) "Third parties" shall mean any and all persons and/or organizations other than the college or the student.

AMENDATORY SECTION (Amending Order 73-2, filed 5/14/73)

**WAC 132J-276-010 Purpose.** The purpose of this chapter shall be to ensure compliance by ((the Community)) College District No. 10 with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25-32 of that act, dealing with public records.

AMENDATORY SECTION (Amending Order 73-2, filed 5/14/73)

**WAC 132J-276-020 Definitions.** (1) **Public records.** "Public record" includes any writing containing information relating to the conduct of governmental 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.** "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, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents."

(3) ((Community)) **College District No. 10.** ((The Community)) College District No. 10 is an agency organized by statute pursuant to RCW 28B.50.040. ((The Community)) College District No. 10 shall hereinafter be referred to as the "district." Where appropriate, the term district also refers to the staff and board of trustees employees of the district.

AMENDATORY SECTION (Amending Order 73-2, filed 5/14/73)

**WAC 132J-276-030 Description of central and field organization of ((Community)) College District No. 10.** District No. 10 is a ((community)) college district organized under RCW 28B.50.040. The administrative office of the district and its staff are located at Green River ((Community)) College, 12401 S.E. 320th Street, Auburn, Washington 98002.

AMENDATORY SECTION (Amending Order 73-2, filed 5/14/73)

**WAC 132J-276-040 Operations and procedures.** The district is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. The college district is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members each appointed by the governor to a term of five years. The trustees meet the third Thursday of each month at 4:00 p.m. in the ((Holman library)) administration building board room of Green River ((Community)) College, unless public notice is given of a special meeting. At such time the trustees exercise the powers and duties granted it under RCW 28B.50.140.

AMENDATORY SECTION (Amending Order 73-2, filed 5/14/73)

**WAC 132J-276-100 Exemptions.** (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132J-276-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the district reserves the right to ((delete)) redact 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 invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such ((deletion)) redaction in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for





with the college Title IX officer will have arranged a meeting and reported the findings, in writing, to both the complainant and the person to whom the complaint is directed. It shall be at the discretion of the complainant to determine whether the Title IX officer will meet with each party separately or in a single meeting.

If the complainant requests a single meeting, that meeting shall be attended by the complainant, the person to whom the complaint is directed and the Title IX officer who will chair the meeting.

(c) Step 3. Presidential appeal. If the complaint is not resolved as a result of the hearing conducted by the Title IX officer, either the complainant or the person to whom the complaint is directed may request an appeal to the college president in writing within 10 days after receiving the written results of Title IX official hearing. Within 15 days after receiving the written request, the college president or the president's designee will conduct the presidential appeal hearing and report the findings in writing to both the complainant and the person to whom the complaint is directed.

(i) The college president or designee, the Title IX officer, the complainant and the person to whom the complaint is directed shall attend the presidential appeal hearing. The college president or presidential designee shall preside.

(ii) Either the complainant or person to whom the complaint is directed may have witnesses present at the discretion of the person presiding.

(iii) The written findings of the presidential appeal will be considered final. No further intra-institutional appeal exists.

(2) If desired, inquiries or appeals beyond the institutional level may be directed to: Regional Director, Office of Civil Rights, HEW, 1321 Second Avenue, Seattle, WA 98101; The Equal Opportunity Commission, 705 Second Avenue, Seattle, WA 98101; Human Rights Commission, 402 Evergreen Plaza Building, 7th and Capitol Way, Olympia, WA 98504.

AMENDATORY SECTION (Amending Order 76-3, filed 6/25/76)

**WAC 132J-325-010 State Environmental Policy Act (SEPA).** It shall be the policy of (~~Community~~) College District No. 10 that capital projects proposed and developed by the district shall comply with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA); chapter 197-10 WAC, guidelines for SEPA implementation; and WAC 131-24-030, SEPA implementation rules of the state board for community college education.

In compliance with WAC 197-10-820, the district president, or an administrative officer designated by the district president, shall be the "responsible official" for carrying out this policy.

**WSR 15-09-045**  
**EXPEDITED RULES**  
**HEALTH CARE AUTHORITY**  
(Washington Apple Health)  
[Filed April 10, 2015, 8:55 a.m.]

Title of Rule and Other Identifying Information: WAC 182-511-1000 Health care for workers with disabilities (HWD)—Program description, 182-511-1050 Health care for workers with disabilities (HWD)—Program requirements, 182-511-1100 Health care for workers with disabilities (HWD)—Retroactive coverage, 182-511-1150 Health care for workers with disabilities (HWD)—Disability requirements, and 182-511-1250 Health care for workers with disabilities (HWD)—Premium payments.

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 Jason R. P. Crabbe, Rules Coordinator, Health Care Authority, P.O. Box 42716, Olympia, WA 98504-2716, or deliver to Cherry Street Plaza, 626 8th Avenue S.E., Olympia, WA 98504, e-mail arc@hca.wa.gov, fax (360) 586-9727, AND RECEIVED BY June 22, 2015.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule filing is necessary to update incorrect cross-citations, agency names, and programs referenced in this chapter.

Reasons Supporting Proposal: These revisions will provide accurate information for the reader.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

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

Name of Proponent: Health care authority, governmental.

Name of Agency Personnel Responsible for Drafting: Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, (360) 725-1408; Implementation and Enforcement: Mick Pettersen, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-0913.

April 10, 2015  
Jason R. P. Crabbe  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-24-018, filed 11/29/11, effective 12/1/11)

**WAC 182-511-1000 Health care for workers with disabilities (HWD)—Program description.** This section describes the health care for workers with disabilities (HWD) program.

(1) The HWD program provides categorically needy (CN) scope of care as described in WAC (~~(388-501-0060)~~) 182-501-0060.

(2) The (~~(department)~~) medicaid agency approves HWD coverage for twelve months effective the first of the month in which a person applies and meets program requirements. See WAC (~~(388-475-1100)~~) 182-511-1100 for "retroactive" coverage for months before the month of application.

(3) A person who is eligible for another medicaid program may choose not to participate in the HWD program.

(4) A person is not eligible for HWD coverage for a month in which the person received medicaid benefits under the medically needy (MN) program.

(5) The HWD program does not provide long-term care (LTC) services described in chapters (~~(388-513 and 388-515)~~) 182-513 and 182-515 WAC. LTC services include institutional, waived, and hospice services. To receive LTC services, a person must qualify and participate in the cost of care according to the rules of those programs.

AMENDATORY SECTION (Amending WSR 11-24-018, filed 11/29/11, effective 12/1/11)

**WAC 182-511-1050 Health care for workers with disabilities (HWD)—Program requirements.** This section describes requirements a person must meet to be eligible for the health care for workers with disabilities (HWD) program.

(1) To qualify for the HWD program, a person must:

(a) Meet the general requirements for a medical program described in WAC (~~(388-503-0505)~~) 182-503-0505 (3)(a) through (f);

(b) Be age sixteen through sixty-four;

(c) Meet the federal disability requirements described in WAC (~~(388-475-1150)~~) 182-511-1150;

(d) Have net income at or below two hundred twenty percent of the federal poverty level (FPL) (see WAC (~~(388-478-0075)~~) 182-511-1060 for FPL amounts for medical programs); and

(e) Be employed full or part time (including self-employment) as described in WAC (~~(388-475-1200)~~) 182-511-1200.

(2) To determine net income, the (~~(department)~~) medicaid agency applies the following rules to total gross household income in this order:

(a) Deduct income exclusions described in WAC (~~(388-475-0800, 388-475-0820, 388-475-0840, and 388-475-0860)~~) 182-512-0800, 182-512-0820, 182-512-0840, and 182-512-0860; and

(b) Follow the CN income rules described in:

(i) WAC (~~(388-475-0600)~~) 182-512-0600, SSI-related medical—Definition of income;

(ii) WAC (~~(388-475-0650)~~) 182-512-0650, SSI-related medical—Available income;

(iii) WAC (~~(388-475-0700)~~) 182-512-0700 (1) through (5), SSI-related medical—Income eligibility;

(iv) WAC (~~(388-475-0750)~~) 182-512-0750, SSI-related medical—Countable unearned income; and

(v) WAC (~~(388-506-0620)~~) 182-512-0960, SSI-related medical clients.

(3) The HWD program does not require an asset test.

(4) Once approved for HWD coverage, a person must pay (~~(his/her)~~) the monthly premium in the following manner to continue to qualify for the program:

(a) The (~~(department)~~) agency calculates the premium for HWD coverage according to WAC (~~(388-475-1250)~~) 182-511-1250;

(b) If a person does not pay four consecutive monthly premiums, the person is not eligible for HWD coverage for the next four months and must pay all premium amounts owed before HWD coverage can be approved again; and

(c) Once approved for HWD coverage, a person who experiences a job loss can choose to continue HWD coverage through the original twelve months of eligibility, if the following requirements are met:

(i) The job loss results from an involuntary dismissal or health crisis; and

(ii) The person continues to pay the monthly premium.

AMENDATORY SECTION (Amending WSR 11-24-018, filed 11/29/11, effective 12/1/11)

**WAC 182-511-1100 Health care for workers with disabilities (HWD)—Retroactive coverage.** This section describes requirements for retroactive coverage provided under the health care for workers with disabilities (HWD) program.

(1) Retroactive coverage refers to the period of up to three months before the month in which a person applies for the HWD program. The (~~(department)~~) medicaid agency cannot approve HWD coverage for a month that precedes January 1, 2002.

(2) To qualify for retroactive coverage under the HWD program, a person must first:

(a) Meet all program requirements described in WAC (~~(388-475-1050)~~) 182-511-1050 for each month of the retroactive period; and

(b) Pay the premium amount for each month requested within one hundred twenty days of being billed for such coverage.

(3) If a person does not pay premiums in full as described in subsection (2)(b) for all months requested in the retroactive period, the (~~(department)~~) agency denies retroactive coverage and refunds any payment received for those months.

AMENDATORY SECTION (Amending WSR 11-24-018, filed 11/29/11, effective 12/1/11)

**WAC 182-511-1150 Health care for workers with disabilities (HWD)—Disability requirements.** This section describes the disability requirements for the two groups of individuals that may qualify for the health care for workers with disabilities (HWD) program.

(1) To qualify for the HWD program, a person must meet the requirements of the Social Security Act in section 1902 (a)(10)(A)(ii):

(a) (XV) for the basic coverage group (BCG); or

(b) (XVI) for the medical improvement group (MIG).

(2) The BCG consists of individuals who:

(a) Meet federal disability requirements for the supplemental security income (SSI) or Social Security Disability Insurance (SSDI) program; or

(b) Are determined by the (~~division of disability determination services (DDDS)~~) developmental disabilities administration (DDA) to meet federal disability requirements for the HWD program.

(3) The MIG consists of individuals who:

(a) Were previously eligible and approved for the HWD program as a member of the BCG; and

(b) Are determined by DDDS to have a medically improved disability. The term "medically improved disability" refers to the particular status granted to persons described in subsection (1)(b).

(4) When completing a disability determination for the HWD program, (~~DDDS~~) DDA will not deny disability status because of employment.

**AMENDATORY SECTION** (Amending WSR 11-24-018, filed 11/29/11, effective 12/1/11)

**WAC 182-511-1250 Health care for workers with disabilities (HWD)—Premium payments.** This section describes how the (~~department~~) medicaid agency calculates the premium amount a person must pay for health care for workers with disabilities (HWD) coverage. This section also describes program requirements regarding the billing and payment of HWD premiums.

(1) When determining the HWD premium amount, the (~~department~~) agency counts only the income of the person approved for the program. It does not count the income of another household member.

(2) When determining countable income used to calculate the HWD premium, the (~~department~~) agency applies the following rules:

(a) Income is considered available and owned when it is:

(i) Received; and

(ii) Can be used to meet the person's needs for food, clothing, and shelter, except as described in WAC (~~388-475-0600(5), 388-475-0650, and 388-475-0700(1)~~) 182-512-0600(5), 182-512-0650, and 182-512-0700(1).

(b) Loans and certain other receipts are not considered to be income as described in 20 C.F.R. Sec. 416.1103, e.g., direct payment by anyone of a person's medical insurance premium or a tax refund on income taxes already paid.

(3) The HWD premium amount equals a total of the following (rounded down to the nearest whole dollar):

(a) Fifty percent of unearned income above the medically needy income level (MNIL) described in WAC (~~388-478-0070~~) 182-519-0050; plus

(b) Five percent of total unearned income; plus

(c) Two point five percent of earned income after first deducting sixty-five dollars.

(4) When determining the premium amount, the (~~department~~) agency will use the current income amount until a change in income is reported and processed.

(5) A change in the premium amount is effective the month after the change in income is reported and processed.

(6) For current and ongoing coverage, the (~~department~~) agency will bill for HWD premiums during the month following the month in which coverage is approved.

(7) For retroactive coverage, the (~~department~~) agency will bill the HWD premiums during the month following the

month in which coverage is requested and necessary information is received.

(8) If initial coverage for the HWD program is approved in a month that follows the month of application, the first monthly premium includes the costs for both the month of application and any following month(s).

(9) As described in WAC (~~388-475-1050~~) 182-511-1050 (4)(b), the (~~department~~) agency will close HWD coverage after four consecutive months for which premiums are not paid in full.

(10) If a person makes only a partial payment toward the cost of HWD coverage for any one month, the person remains one full month behind in the payment schedule.

(11) The (~~department~~) agency first applies payment for current and ongoing coverage to any amount owed for such coverage in an earlier month. Then it applies payment to the current month and then to any unpaid amount for retroactive coverage.

## WSR 15-09-059

### EXPEDITED RULES

#### HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed April 14, 2015, 10:00 a.m.]

Title of Rule and Other Identifying Information: WAC 182-504-0005 Washington apple health—Retroactive certification period.

#### 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 Jason R. P. Crabbe, Rules Coordinator, Health Care Authority, P.O. Box 42716, Olympia, WA 98504-2716, or deliver to Cherry Street Plaza, 626 8th Avenue S.E., Olympia, WA 98504, e-mail arc@hca.wa.gov, fax (360) 586-9727, AND RECEIVED BY June 22, 2015.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is amending the rule to fix an incorrect citation.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

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

Name of Proponent: Health care authority, governmental.

Name of Agency Personnel Responsible for Drafting: Sean Sullivan, P.O. Box 42716, Olympia, WA 98504-2716, (360) 725-1344; Implementation and Enforcement: Mick

Pettersen, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-0913.

April 14, 2015  
Jason R. P. Crabbe  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-14-019, filed 6/24/13, effective 7/25/13)

**WAC 182-504-0005 Washington apple health—Retroactive certification period.** (1) The medicaid agency approves a retroactive Washington apple health (WAH) certification period for the three months immediately before the month of application when an individual:

(a) Requests retroactive WAH on ~~((his or her))~~ the application, within the certification period following the retroactive period, or before the determination of benefits and any appeal process is final;

(b) Would have been eligible for WAH for any or all of the three months if ~~((he or she))~~ the individual had applied during the retroactive period; and

(c) The individual received covered medical services as described in WAC 182-501-0060 and 182-501-0065.

(2) When an individual is eligible only during the three-month retroactive certification period, that period is the only period of certification, except when:

(a) A pregnant woman is eligible in one of the three months immediately before the month of application, but no earlier than the month of conception. Eligibility continues as described in WAC 182-504-0015(3).

(b) A child is eligible for categorically needy (CN) WAH as described in WAC 182-505-0210 (1) through (5) and (7) in at least one of the three months immediately before the month of application. Eligibility after the retroactive period continues as described in WAC 182-504-0015~~((4))~~ (9).

(3) An individual applying for the medically needy (MN) spenddown program may be eligible for a retroactive certification period as described in WAC 182-504-0020.

(4) An individual applying for a medicare savings program may be eligible for a retroactive certification period as described in WAC 182-504-0025.

**WSR 15-09-062**  
**EXPEDITED RULES**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed April 14, 2015, 11:24 a.m.]

Title of Rule and Other Identifying Information:  
Amends WAC 181-79A-128, the result of the public hearing in January included removing conflicting language regarding uniform expiration dates. WSR 15-04-014 was filed without those changes. The incorrect language is removed.

**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 David Brenna, Professional Educator Standards Board, 600 Washington Street South, Room 400, Olympia, WA 98504, AND RECEIVED BY June 23, 2015.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Corrects conflicting section of requirements.

Reasons Supporting Proposal: Language currently contains incorrect reference to the uniform expiration date.

Statutory Authority for Adoption: RCW 28A.410.210.

Statute Being Implemented: RCW 28A.410.226.

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

Name of Proponent: Professional educator standards board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Brenna, 600 Washington Street South, Olympia, WA 98504, (360) 725-6238.

April 14, 2015  
David Brenna  
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 15-04-014, filed 1/23/15, effective 2/23/15)

**WAC 181-79A-128 Temporary permits.** Temporary permits may be issued by the superintendent of public instruction and designated agents under the following conditions:

(1) Temporary permits may be issued under this section to those persons who have filed an application for a certificate; who, based on available documentation, including affidavits or other evidence that appears reliable which substantiates the existence of missing documentation, appear to have completed all requirements for certification; and who do not disclose any information which indicates that such applicant fails to meet the character requirement of WAC 181-79A-150(2).

(2) An individual may apply for a permit directly to the superintendent of public instruction or designated agents—i.e., educational service districts or Washington state institutions of higher education.

(3) A permit entitles the holder to serve as a teacher, educational staff associate or administrator consistent with the endorsement(s) on his/her permit.

(4) A permit is valid for a minimum of one year ~~((calculated to the uniform expiration date in WAC 181-79A-117 (1)(a) and/or (b)))~~ unless prior to the expiration date the superintendent of public instruction determines the applicant is ineligible to receive a valid certificate or endorsement. In such cases, the temporary permit shall expire on the date notice of cancellation is received by the applicant and/or the employer.

(5) The temporary permit may be reissued only upon demonstration that the applicant has made a good faith effort to secure the missing documentation; provided, that an individual affected by WAC 181-79A-132 may obtain one additional permit to meet additional endorsement requirements.

(6) Issuing authority. The superintendent of public instruction either directly or through a designated agent shall issue all permits and shall provide institutions of higher education and educational service districts with forms and instructions relevant to application for a permit.

### WSR 15-09-087

#### EXPEDITED RULES

#### DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed April 17, 2015, 9:58 a.m.]

Title of Rule and Other Identifying Information: WAC 246-841-535 Alternative programs—Definitions, amending the definition of medical assistant-certified used by the nursing commission to determine who may take the bridge program and incorporating the certifying organizations identified in the department of health definition into the rule.

#### 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 Carole Knutzen, Department of Health, Nursing Care Quality Assurance Commission, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, AND RECEIVED BY June 22, 2015.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The nursing care quality assurance commission (commission) adopted rules establishing requirements for alternative training programs for nationally certified medical assistants in 2012 to allow them to take a twenty-four hour course to become nursing assistants. In 2013, the department of health (department) began issuing state credentialed medical assistant credentials pursuant to chapter 18.360 RCW. The definition of nationally certified medical assistant used to determine who may [may] take the medical assistant to nursing assistant bridge program is currently more restrictive in the commission rules than the definition used to determine who [may] be a state credentialed medical assistant-certified. The commission is purposing to amend its definition to incorporate the certifying organizations identified in the department's definitions.

Reasons Supporting Proposal: The commission received questions from nursing assistant training programs and individuals requesting staff to clarify WAC 246-841-535(2), because the commission rule is inconsistent with department

of health rule (WAC 246-827-0200). The inconsistency prevents otherwise qualified medical assistant-certified applicants from entering into bridge programs training nursing assistants. The commission wants to create harmony between the two rules and provide clarity to the public who seek to apply the rules. Aligning the definitions in the rules accomplishes this goal, and will result in a greater number of people eligible for alternative bridge education programs, thereby enhancing career mobility. The expedited rule process is appropriate because the proposed rule adopts a rule of a Washington state agency.

Statutory Authority for Adoption: RCW 18.88A.087.

Statute Being Implemented: RCW 18.88A.087.

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

Name of Proponent: Nursing care quality assurance commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Carole Knutzen, Department of Health, P.O. Box 47864, Olympia, WA 98504, (360) 236-4785; and Enforcement: Mindy Schaffner, Department of Health, P.O. Box 47864, Olympia, WA 98504, (360) 236-4745.

April 16, 2015

Paula R. Meyer MSN, RN, FRE  
Executive Director

AMENDATORY SECTION (Amending WSR 11-16-042, filed 7/27/11, effective 8/27/11)

**WAC 246-841-535 Alternative program—Definitions.** The definitions in this section apply throughout WAC 246-841-530 through 246-841-585.

(1) **Home care aide-certified** means any person certified under chapter 18.88B RCW.

(2) **Medical assistant-certified** (~~means a person certified by a medical assistant program accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) or the American Association of Medical Assistants and the American Medical Association~~) under chapter 18.88A RCW, means a person who holds a current certification from one of the certifying organizations in WAC 246-827-0200(2).

(3) **Nursing assistant-certified** means any person certified under chapter 18.88A RCW.

### WSR 15-09-106

#### EXPEDITED RULES

#### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed April 20, 2015, 1:47 p.m.]

Title of Rule and Other Identifying Information: Chapter 392-170 WAC, Special service program—Highly capable students.

#### 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 Kristina Johnstone, Office of Superintendent of Public Instruction (OSPI), Special Programs and Federal Accountability, P.O. Box 47200, Olympia, WA 98504-7200, AND RECEIVED BY June 22, 2015.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Make changes to chapter 392-170 WAC to clarify language. Changes will not change the rule's effect. For WAC 392-170-045, replace the word "nomination" with "referral." For WAC 392-170-045, 392-170-075 and 392-170-076, change language to indicate that the school board adopts policy and the school district establishes written procedures.

Reasons Supporting Proposal: Regarding WAC 392-170-045, the words nomination and referral are both used in the body of the section. Both nomination and referral result in the district considering a child for potential identification as a highly capable learner. This change consistently uses "referral" whereby creating a standard language for this step in the identification process. Regarding WAC 392-170-045, 392-170-075 and 392-170-076, the change clarifies and conforms to the role of the school board and the school district regarding the adoption of policies and establishment of written procedure. This change is consistent with school board and district operations whereby a school board adopts policy and a school district establishes written procedures.

Statutory Authority for Adoption: Chapter 28A.185 RCW, Highly capable students, RCW 28A.150.280, 28A.185.030, 28A.185.050.

Statute Being Implemented: Chapter 28A.185 RCW.

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

Name of Agency Personnel Responsible for Drafting and Implementation: Kristina Johnstone, OSPI, Special Programs and Federal Accountability, (360) 725-4991; and Enforcement: Gayle Pauley, OSPI, Special Programs and Federal Accountability, (360) 725-6170.

April 20, 2015  
Randy Dorn  
State Superintendent  
of Public Instruction

AMENDATORY SECTION (Amending WSR 13-07-020, filed 3/12/13, effective 4/12/13)

**WAC 392-170-045 ((Nomination)) Referral process for highly capable students.** Each school district shall ((adopt)) establish written procedures for the ((nomination)) referral of students to participate in programs for highly capable students. Such procedures shall permit referrals based on data or evidence from teachers, other staff, parents, students, and members of the community.

A district's ((nomination)) referral procedure for students who are highly capable may include screening procedures to

eliminate students who, based on clear, current evidence, do not qualify for eligibility under WAC 392-170-055.

AMENDATORY SECTION (Amending WSR 13-07-020, filed 3/12/13, effective 4/12/13)

**WAC 392-170-075 Selection of most highly capable.** Each school district's board of directors shall adopt ((policies and)) a selection policy and school district shall establish written procedures for the selection of the most highly capable students by the multidisciplinary selection committee. Such ((policies)) policy and selection procedures:

(1) Shall not violate federal and state civil rights laws including, without limitation, chapters 28A.640 and 28A.642 RCW;

(2) Shall be based on professional judgment as to which students will benefit the most from inclusion in the district's program; and

(3) Shall be based on a selection system that determines which students are the most highly capable as defined under WAC 392-170-055, and other data collected in the assessment process.

AMENDATORY SECTION (Amending WSR 13-07-020, filed 3/12/13, effective 4/12/13)

**WAC 392-170-076 Process for appeal.** Each district shall ((adopt a)) have a clear and written procedure for appealing the multidisciplinary selection committee's decision and disseminate this procedure to the public.

**WSR 15-09-109**  
**EXPEDITED RULES**  
**DEPARTMENT OF HEALTH**

[Filed April 20, 2015, 2:15 p.m.]

Title of Rule and Other Identifying Information: WAC 246-828-990, changing the name of the hearing instrument fitter/dispenser profession to hearing aid specialist in the title and fee table heading.

**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 Deborah Johnson, Policy Analyst, Office of the Assistant Secretary for Health Systems Quality Assurance, Washington State Department of Health, P.O. Box 47850, Olympia, WA 98504-7850, AND RECEIVED BY June 22, 2015.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The name of the hearing instrument fitter/dispenser profession was statutorily

changed to hearing aid specialist. Rule amendments are currently being considered by the board of hearing and speech that would, in part, update the name in chapter 246-828 WAC. This proposal would correspondingly update the profession name in the fee rule.

Reasons Supporting Proposal: EHB 2108 (chapter 189, Laws of 2014, as codified in chapter 18.35 RCW) changed the name of the hearing instrument fitter/dispenser profession to hearing aid specialist. This rule is being proposed under an expedited rule-making process because the proposed rule corrects the name of the profession but does not change the effect of the rule or add any additional requirements.

Statutory Authority for Adoption: RCW 43.70.250 and 43.70.280.

Statute Being Implemented: RCW 18.35.010 (chapter 189, Laws of 2014).

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

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

Name of Agency Personnel Responsible for Drafting: Deborah Johnson, 111 Israel Road S.E., Tumwater, WA 98501-5570, (360) 236-4988; Implementation and Enforcement: Janette Benham, 111 Israel Road S.E., Tumwater, WA 98501-5570, (360) 236-4857.

April 17, 2015  
Dennis E. Worsham  
Deputy Secretary  
for John Wiesman, DrPH, MPH  
Secretary

AMENDATORY SECTION (Amending WSR 13-21-077, filed 10/17/13, effective 1/1/14)

**WAC 246-828-990 Hearing ((~~instrument fitter/dispenser~~)) aid specialist, audiologist, speech language pathologist, and speech language pathology assistant fees and renewal cycle.** (1) Credentials must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) Practitioners must pay the following nonrefundable fees:

#### **Audiologist or Speech Language Pathologist**

| <b>Fee Type:</b>     | <b>Fee</b> |
|----------------------|------------|
| Interim permit       |            |
| Application          | \$165.00   |
| Permit               | 140.00     |
| Initial license      |            |
| Application          | 165.00     |
| License              | 140.00     |
| HEAL-WA* surcharge   | 16.00      |
| Renewal              | 110.00     |
| HEAL-WA* surcharge   | 16.00      |
| Inactive license     | 60.00      |
| Late renewal penalty | 90.00      |

#### **Audiologist or Speech Language Pathologist**

| <b>Fee Type:</b>                    | <b>Fee</b> |
|-------------------------------------|------------|
| Expired license reissuance          | 140.00     |
| Expired inactive license reissuance | 90.00      |
| Certification of license            | 30.00      |
| Duplicate license                   | 30.00      |

\* Surcharge applies to speech language pathologists only. HEAL-WA is the health resources for Washington online library. See RCW 43.70.110.

#### **Hearing ((~~Instrument Fitter/Dispenser~~)) Aid Specialist**

| <b>Fee Type:</b>                    | <b>Fee</b> |
|-------------------------------------|------------|
| License application                 | \$165.00   |
| Initial license                     | 140.00     |
| Renewal                             | 110.00     |
| Inactive license                    | 56.00      |
| Late renewal penalty                | 90.00      |
| Expired license reissuance          | 136.00     |
| Expired inactive license reissuance | 86.00      |
| Certification of license            | 30.00      |
| Duplicate license                   | 30.00      |

#### **Speech Language Pathology Assistant**

| <b>Fee Type:</b>                       | <b>Fee</b> |
|--|------------|
| Application                            | \$125.00   |
| Renewal                                | 70.00      |
| Inactive credential                    | 50.00      |
| Late renewal penalty                   | 50.00      |
| Expired credential reissuance          | 50.00      |
| Expired inactive credential reissuance | 50.00      |
| Certification of credential            | 15.00      |
| Duplicate credential                   | 15.00      |