

WSR 21-12-054

PROPOSED RULES

LOWER COLUMBIA COLLEGE

[Filed May 26, 2021, 12:03 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-08-032.

Title of Rule and Other Identifying Information: WAC 132M-104-010 Rule on regular meeting for board of trustees and 132M-108-020 Brief adjudicative procedure.

Hearing Location(s): On July 28, 2021, at 8:30 a.m. Join Zoom meeting <https://lowercolumbia.zoom.us/j/85119698630>, Meeting ID 851 1969 8630, One tap mobile +12532158782,,85119698630# US (Tacoma), +13462487799,,85119698630# US (Houston), Dial by your location +1 253 215 8782 US (Tacoma), +1 346 248 7799 US (Houston), +1 669 900 6833 US (San Jose), +1 312 626 6799 US (Chicago), +1 646 876 9923 US (New York), +1 301 715 8592 US (Washington DC), Meeting ID 851 1969 8630. Find your local number <https://lowercolumbia.zoom.us/u/kdlyshvtdj>. Join by SIP 85119698630@zoomcrc.com.

Date of Intended Adoption: July 28, 2021.

Submit Written Comments to: Bryanna Smith, 1600 Maple Street, P.O. Box 3010, Longview, WA 98632, email rulemaking@lowercolumbia.edu, fax 360-442-2129, by July 21, 2021.

Assistance for Persons with Disabilities: Contact Bryanna Smith, phone 360-442-2100, fax 360-442-2129, TTY 800-833-6388, email rulemaking@lowercolumbia.edu, by July 21, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 132M-104-010 Rule on regular meeting for board of trustees is duplicative of the Open Public Meetings Act (RCW 42.30.075) and therefore not necessary.

WAC 132M-108-020 Brief adjudicative procedure, needs minor grammatical and formatting corrections and also needs clarification that this WAC applies to appeals pursuant to any other formal rule adopted by the college which specifically provides for a brief adjudicative procedure.

Reasons Supporting Proposal: The Open Public Meetings Act governs the regular meetings for board of trustees and therefore WAC 132M-104-010 is unnecessary.

WAC 132M-108-020 Brief adjudicative procedure, needs minor grammatical and formatting corrections and also needs clarification that this WAC applies to appeals pursuant to any other formal rule adopted by the college which specifically provides for a brief adjudicative procedure.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: None.

Name of Proponent: Lower Columbia College, public.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kendra Sprague, 1600 Maple Street, P.O. Box 3010, Longview, WA 98632, 360-442-2121.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.05.328 (5) (a) (i), this agency is not mandated to com-

ply with RCW 34.05.328. Further, the agency does not voluntarily make that section applicable to the adoption of this rule pursuant to subsection (5)(a)(ii), and to date the joint administrative rules committee has not made that section applicable to the adoption of this rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) and 34.05.310 (4)(g)(i).

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. This change is not anticipated to impose any additional cost[s] on business.

May 21, 2021
Kendra Sprague
Vice President of Foundation
Human Resources and Legal Affairs

OTS-2984.1

AMENDATORY SECTION (Amending WSR 95-16-069, filed 7/28/95, effective 8/28/95)

WAC 132M-108-020 Brief adjudicative procedure. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- ((1)) (1) Appeals from residency classifications made pursuant to RCW 28B.15.013;
- ((2)) (2) Appeals from parking and traffic infractions;
- ((3)) (3) Appeals from actions from student conduct or disciplinary proceedings;
- ((4)) (4) Appeals from actions due to outstanding debts of college employees or students;
- ((5)) (5) Appeals from actions regarding loss of eligibility to participate in athletic events;
- ((6)) (6) Challenges to the contents of education records pursuant to ((WAC 132M-113-055(2))) 34 C.F.R. Sec. 99.21;
- ((7)) (7) Appeals from actions due to mandatory tuition and fee waivers;
- (8) Appeals pursuant to any other formal rule adopted by the college which specifically provides for a brief adjudicative procedure.

[Statutory Authority: RCW 28B.50.140(13), 1995 c 36 § 2 and amendment to RCW 28B.16.600. WSR 95-16-069, § 132M-108-020, filed 7/28/95, effective 8/28/95. Statutory Authority: RCW 28B.50.140. WSR 92-09-005, § 132M-108-020, filed 4/2/92, effective 5/3/92.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

OTS-2983.1

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132M-104-010 Regular meetings.