

WSR 23-17-107

PROPOSED RULES

BELLINGHAM TECHNICAL COLLEGE

[Filed August 17, 2023, 11:23 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-01-07 [23-01-075] and 23-07-088.

Title of Rule and Other Identifying Information: Amending sections of chapters 495B-104, 495B-108, 495B-122, 495B-130, 495B-133, 495B-134 and 495B-280 WAC; and repealing chapters 495B-131, 495B-310, and 495B-132 WAC.

Hearing Location(s): On September 27, 2023, at 12:00 p.m., at Bellingham Technical College, College Services, Room 215, 3028 Lindbergh Avenue, Bellingham, WA 98225.

Date of Intended Adoption: October 19, 2023.

Submit Written Comments to: Ronda Laughlin, 3028 Lindbergh Avenue, Bellingham, WA 98225, email rlaughlin@btc.edu, fax 360-752-7134, by September 18, 2023.

Assistance for Persons with Disabilities: Contact Mary Gerard, phone 360-752-8576, fax 360-752-7376, email ar@btc.edu, by September 18, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: General revisions to update language and locations. Repeal sections that are no longer relevant.

Reasons Supporting Proposal: The new language ensures that Bellingham Technical College is providing accurate information.

Statutory Authority for Adoption: Chapters 28B.10, 34.05 RCW; RCW 28B.50.140(13); 20 U.S.C. § 1092(f).

Statute Being Implemented: Chapter 28B.10 RCW.

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

Name of Proponent: Bellingham Technical College, public and governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Ronda Laughlin and Michele Waltz, CS 201 and CS 213, 360-752-8334.

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.

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) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

August 17, 2023

Ronda Laughlin

Executive Assistant to the President

OTS-4774.1

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-104-010 Time and place of board meetings.** The board of trustees shall hold one regular meeting on the third Thursday of each month at 9:00 a.m. and such special meetings as may be requested by the ((chairman)) chair of the board or by a majority of the members of the board and announced in accordance with law. All board meeting dates may be found in the Washington State Register and at the college website (btc.edu).

All regular and special meetings of the board of trustees shall be held at Bellingham Technical College, ((Building G)) College Services, Room 215, 3028 Lindbergh Avenue, Bellingham, WA 98225, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions.

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

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-104-020 Request for items to be placed on board agenda.** Anyone, other than a board member or a representative of the president's office wishing an item placed on the agenda of a board meeting, must have a written request in the office of the president ((no later than twelve o'clock noon five business days before)) at least two weeks in advance of the next scheduled meeting of the board. The president will relate the request to the ((chairman)) chair of the board as soon as feasible. The ((chairman)) chair will determine whether the item is to be placed on the agenda. The ((chairman)) chair or a designee will notify the individual initiating the request as to whether or not the item will be placed on the agenda.

#### OTS-4877.1

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-108-020 Appointment of presiding officers.** The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or ((his or her)) their designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, the president or president's designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-108-040 Application for adjudicative proceeding.** An application for adjudicative proceeding (~~(shall be in writing)~~) must specify the issue to be decided in the proceeding and be signed by the applicant or the applicant's representative. Application forms are available at the following address: 3028 Lindbergh Avenue, Bellingham, WA 98225.

Written application for an adjudicative proceeding (~~(should)~~) must be submitted to the above address within (~~(twenty)~~) 21 days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-108-050 Brief adjudicative procedures.** This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. Brief adjudicative procedures shall be used in all matters related to:

- (1) (~~Residency determinations;~~
- (2) ~~Challenges to contents of education records;~~
- (3) ~~Student conduct proceedings;~~
- (4) ~~Parking violations;~~
- (5) ~~Outstanding debts owed by students or employees;~~
- (6) ~~Loss of eligibility for participation in college sponsored events.)~~ Appeals from residency classifications made pursuant to RCW 28B.15.013;
- (2) Challenges to the contents of educational records pursuant to 34 C.F.R. § 99.21;
- (3) Appeals from actions from student conduct or disciplinary proceedings;
- (4) Appeals from actions due to parking and traffic infractions;
- (5) Appeals from actions due to outstanding debts of college employees or students;
- (6) Appeals from actions regarding loss of eligibility to participate in college-sponsored events;
- (7) Appeals from actions regarding mandatory tuition and fee waivers;
- (8) Appeals pursuant to any other formal rule adopted by Bellingham Technical College which specifically provides for a brief adjudicative procedure.

Brief adjudicative proceedings are informal hearings and shall be conducted in a manner which will bring about a prompt fair resolution of the matter. Adjudicative proceedings shall be open to the public, except as may be provided otherwise by law. A brief written statement of the reasons for the decision must be entered within 10 business days after the proceeding.

**OTS-4878.1**

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-122-010 Policy.** If any person, including any faculty, staff, student, or former student, is indebted to the institution for an outstanding overdue debt, the college need not provide any further services of any kind to such individual ~~((r))~~ including, but not limited to, transmitting files, records, ~~((transcripts))~~ or other services which have been requested by such person. Official transcripts and registration privileges may not be withheld, regardless of debt, except as outlined in RCW 28B.10.293 (3) through (5).

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-122-020 Notification.** (1) Upon receiving a request for services where there is an outstanding debt due to the college from the requesting person, the college shall notify the person by first-class mail that the services will not be provided since there is an outstanding debt due. The person shall be told that until the debt is satisfied, requested services will not be provided.

(2) The letter of notification shall also state that the person has a right to a brief adjudicative proceeding ~~((before a person designated by the president of the college. The proceeding must be requested within twenty days of the date of mailing notification of refusal to provide services))~~ pursuant to chapter 495B-108 WAC.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 495B-122-030 Procedure for brief adjudicative proceeding.

**OTS-4775.1**

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-130-010 Location of schedules.** Detailed information and specific amounts to be charged for each category of students ~~((will))~~ can be found on the college website (btc.edu), with information on how to access current tuition rates in the college catalog, and in the following locations on the Bellingham Technical College campus:

- (1) The office of admissions;
- (2) The registration and records office;
- (3) The business office;

- (4) Student services office;
- (5) Financial aid office.

**OTS-4776.1**

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-133-020 Organization—Operation—Information.** (1) Organization. Bellingham Technical College is established in Title 28B RCW as a public institution of higher education. The college is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the college. The president establishes the structure of the administration.

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

Bellingham Technical College  
3028 Lindbergh Avenue  
Bellingham, WA 98225

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

~~((Commercial Fishing  
Harbor Mall No. 17  
Bellingham, WA 98225~~

~~Fisheries Technology  
1800)) 1600 C Street  
Bellingham, WA 98225~~

(3) Information. Additional and detailed information concerning the educational offerings of the college may be obtained on the college website (btc.edu) or from the catalog, copies of which are available at the following address:

Bellingham Technical College  
3028 Lindbergh Avenue  
Bellingham, WA 98225

**OTS-4777.1**

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-134-010 Rules coordinator.** The rules coordinator for Bellingham Technical College as designated by the president is the ~~((administrative))~~ executive assistant to the president.

## OTS-4879.2

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-280-015 Definitions.** For the purposes of this policy, the following definitions of terms apply:

(1) "Student" means any individual who is or has been in attendance at Bellingham Technical College and for whom the college maintains education records.

(2) "Education records" are defined as those records, files and documents (in handwriting, print, tapes, film, microfiche or other medium) maintained by Bellingham Technical College which contain information directly related to the individual student. Education records include only the following:

(a) Records pertaining to admission, advisement, registration, grading, and progress toward a degree or certificate that are maintained by the registrar.

(b) Testing information used for advisement purposes by the counseling center.

(c) Information concerning payment of fees as maintained by the registrar.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students participating in student government that is maintained by the student programs office.

(3) "Directory information" means the student's name, (~~address, telephone number, date and place of birth,~~) major field of study, (~~eligibility for and participation in officially recognized activities, organizations,~~) dates of attendance, (~~honor roll, degrees, certificates, and awards received, and the most recent previous educational agency or institution attended by the student~~) degree or certificate earned, term degree or certificate awarded, or honors. Directory information may be disclosed at the discretion of the college and without the consent of the student unless (~~he or she elects~~) they elect to prevent disclosure as provided for in WAC 495B-280-070.

(4) "Written consent" means a written authorization for disclosure of student education records which is:

(a) Signed by the student, or the legal custodian of the student if the student is a minor;

(b) Dated;

(c) Which specifies the records to be disclosed; and

(d) Which specifies to whom disclosure is authorized.

(5) "Personally identifiable" means data or information which includes: The name of the student, the student's parent(s), or other family members; a personal identifier such as the student's Social Security number or student number; or a list of personal characteristics which would make the student's identity easily traceable.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-280-030 Procedure to inspect education records.** (1)

Students may inspect and review their education records upon request to the appropriate college official as designated in WAC 495B-280-110.

(2) Students must submit to the appropriate college official a written request which identifies as precisely as possible the record or records (~~(he or she wishes)~~) they wish to inspect.

(3) The appropriate college official will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in (~~(forty-five)~~) 45 days or less from the receipt of the request.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-280-050 Limits on rights to review and inspect and obtain copies of education records.** (1) When a record contains information about more than one student, the student may inspect and review only the records which relate to (~~(him or her)~~) them.

(2) Bellingham Technical College reserves the right to refuse to permit a student to inspect the following records:

(a) The financial statement of the student's parents;

(b) Letters and statements of recommendation for which the student has waived (~~(his or her)~~) their right of access, or which were placed in file before January 1, 1975;

(c) Records connected with an application to attend Bellingham Technical College if that application was denied; and

(d) Those records which are excluded from the Federal Rights and Privacy Act definition of education records.

(3) Bellingham Technical College reserves the right to deny transcripts or copies of records not required to be made available by the Federal Educational Rights and Privacy Act in any of the following situations:

(a) The student has an unpaid financial obligation to the college;

(b) There is an unresolved disciplinary action against the student.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-280-080 Requests for corrections, hearings, adding statements to education records.** Students have the right to request to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

(1) A student must submit a written request to amend (~~(his or her)~~) their education record to the appropriate college official responsible for the custody of the record as designated in WAC 495B-280-110. The request must identify the part of the record

((he/she wants)) they want changed and specify why the record is believed to be inaccurate, misleading or in violation of ((his-or-her)) their privacy or other rights.

(2) A student whose request for amendment of ((his-or-her)) their education record has been denied may request a hearing by submitting a written request to the ((dean)) vice president of student services within ((ten)) 10 days following the denial. The written request must be signed by the student and shall indicate the reasons why the records should be amended. The ((dean)) vice president of student services or designee shall notify the student of the hearing within ((thirty)) 30 days after receipt of a properly filed request. In no case will the notification be less than ((ten)) 10 days in advance of the date, time and place of the hearing.

(3) The hearing shall be a brief adjudicative proceeding as provided in RCW 34.05.482 and 34.05.485 through 34.05.494 and shall be conducted by the student services or other appropriate committee (the chair of the committee shall be an official of the college who does not have a direct interest in the outcome of the hearing). At the hearing, the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.

(4) The student services or other appropriate committee will prepare a written decision, within ((thirty)) 30 days after the conclusion of the hearing, based solely on the evidence presented at the hearing. The rules of evidence need not be applied at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. A copy of the decision shall be made available to the student.

(5) If the student services or other appropriate committee decides the information is inaccurate, misleading, or in violation of the student's right of privacy, the custodian of the record will amend the record and notify the student, in writing, that the record has been amended.

(6) If the student services or other appropriate committee decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the committee will notify the student in writing that the student has a right to place in the record a rebuttal statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

(7) The student's rebuttal statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the contested portion of the education record is disclosed, the statement will also be disclosed.

AMENDATORY SECTION (Amending WSR 93-05-018, filed 2/10/93, effective 3/13/93)

**WAC 495B-280-100 Waiver.** A student may waive any of ((his-or-her)) their rights under this chapter by submitting a written, signed, and dated waiver to the office of the registrar. Such a waiver shall be specific as to the records and persons or institutions covered. A waiver continues in effect according to its terms unless revoked in writing which is signed and dated.

**OTS-4784.1**

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 495B-131-010 Scholarships.

**OTS-4783.1**

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 495B-132-010 Financial aid.

**OTS-4880.1**

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 495B-310-010 Preamble.
- WAC 495B-310-020 Informal procedure.
- WAC 495B-310-030 Formal procedure.
- WAC 495B-310-040 Other remedies.