

WSR 23-22-016

PROPOSED RULES

BELLEVUE COLLEGE

[Filed October 19, 2023, 1:15 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-04-044.

Title of Rule and Other Identifying Information: Chapter 132H-108 WAC, Policies and procedures and formal hearing rules for contested case hearings. Amending WAC 132H-108-420, 132H-108-440, and 132H-108-450.

Hearing Location(s): On December 5, 2023, at 9:00 - 10:00 a.m., online via Zoom <https://bellevuecollege.zoom.us/j/86393796324?pwd=Y3dqL0dhNnNXSWJvZhdIWm9CTzJ2dz09>, Meeting ID 863 9379 6324, Pass-code 853624.

Date of Intended Adoption: January 18, 2024.

Submit Written Comments to: Loreen Keller, 3000 Landerholm Circle S.E., A-201, Bellevue, WA 98007, email [loreen.keller@bellevuecollege.edu](mailto:loreen.keller@bellevuecollege.edu), phone 425-564-6155, by December 1, 2023.

Assistance for Persons with Disabilities: Contact Disability Resource Center, TTY 425-564-6189.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Housekeeping edits and updates to application process for adjudicative hearings in line with current practices of the college.

Reasons Supporting Proposal: Housekeeping and process edits only.

Statutory Authority for Adoption: Chapter 34.05 RCW; and RCW 28B.50.140.

Statute Being Implemented: RCW 28B.50.140(13).

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

Name of Proponent: Bellevue College, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Loreen Keller, 3000 Landerholm Circle [S.E.], A-201 Bellevue, WA 98007, 425-564-6155.

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. Bellevue College is not one of the enumerated agencies required to conduct cost-benefit analyses under RCW 34.05.328(5).

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 relate only to internal governmental operations that are not subject to violation by a nongovernment party.

Scope of exemption for rule proposal:

Is fully exempt.

October 19, 2023  
Loreen M. Keller  
Associate Director  
Policies and Special Projects

OTS-5039.1

Chapter 132H-108 WAC  
(~~(PRACTICE AND PROCEDURE AND)~~) FORMAL HEARING RULES FOR CONTESTED CASE  
HEARINGS

AMENDATORY SECTION (Amending WSR 90-09-066, filed 4/18/90, effective 5/19/90)

**WAC 132H-108-420 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, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

AMENDATORY SECTION (Amending WSR 90-09-066, filed 4/18/90, effective 5/19/90)

**WAC 132H-108-440 Application for adjudicative proceeding.** An application for adjudicative proceeding shall be in writing, and signed by the applicant or the applicant's representative. The application for an adjudicative proceeding should specify the issue to be decided in the proceeding. Applications (~~forms are available~~) should be submitted to the office of the president in person or by mail at the following address: 3000 Landerholm Circle, S.E., (~~Room B202,~~) Bellevue, Washington 98007.

(~~(1)~~) Written application for an adjudicative proceeding should be submitted to the above address within (~~twenty~~) 20 days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

AMENDATORY SECTION (Amending WSR 90-09-066, filed 4/18/90, effective 5/19/90)

**WAC 132H-108-450 Brief adjudicative procedures.** This rule is adopted in accordance with RCW (~~(34.95.482-494 [34.05.482-494])~~) 34.05.482 through 34.05.491, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;
- (2) Disputes concerning educational records;
- (3) Student conduct proceedings. The procedural rules in chapter (~~(132H-200)~~) 132H-126 WAC apply to these procedures(~~(-)~~);
- (4) Parking violations. The procedural rules in chapter 132H-116 WAC apply to these proceedings;
- (5) Outstanding debts owed by students or employees;

(6) Loss of eligibility for participation in institution-sponsored athletic events, pursuant to chapter 132H-400 WAC.

AMENDATORY SECTION (Amending WSR 90-09-066, filed 4/18/90, effective 5/19/90)

**WAC 132H-108-470 Procedure for closing parts of the hearings.** A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within (~~ten~~) 10 days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons (~~therefor~~) therefore in writing within (~~twenty~~) 20 days of receiving the request.