

WSR 25-05-046

EXPEDITED RULES

BELLEVUE COLLEGE

[Filed February 12, 2025, 12:15 p.m.]

Title of Rule and Other Identifying Information: Chapter 132H-169 WAC, Access to public records at Bellevue Community College; WAC 132H-169-040 and 132H-169-085.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Housekeeping: "The proposed rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect."

Reasons Supporting Proposal: Incorrect hyperlink from Bellevue College web pages will be removed and replaced with navigational language.

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

Statute Being Implemented: RCW 34.05.353.

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 M. Keller, 3000 Landerholm Circle S.E., A-201, Bellevue, 98007, 425-564-6155.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, makes address or name changes, or clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: College website link error.

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 Loreen McRea Keller, Bellevue College, 3000 Landerholm Circle S.E., phone 425-564-6155, email loreen.keller@bellevuecollege.edu, AND RECEIVED BY May 6, 2025.

February 7, 2025  
Loreen M. Keller  
Associate Director  
Policies and Special Projects

RDS-6173.1

AMENDATORY SECTION (Amending WSR 19-05-067, filed 2/19/19, effective 3/22/19)

**WAC 132H-169-040 Requests for public records.** (1) Written requests preferred. Request for public records of the college may be ad-

dressed to the public records officer at the address given in WAC 132H-169-035. The college encourages, but does not require, requestors to use the public records request form made available by the public records office or online at (~~https://www.bellevuecollege.edu/legal/publicrecords/-~~) <https://www.bellevuecollege.edu> and search "public records." Requests made orally, whether by phone or in person, may be confirmed in writing by the public records officer.

(2) Contents of records requests. A request for public records must include the following information:

(a) The name and contact information of the person requesting the records;

(b) The requestor's mailing address, which may be an electronic mail address;

(c) The date and time of the request;

(d) A description of the requested records that is sufficiently detailed to enable the public records officer to identify and locate the records; and

(e) A statement indicating whether the requestor wishes to inspect the records or to receive copies of the records in paper or electronic form.

(3) Lists of individuals for commercial purposes. State agencies and institutions are not permitted to provide lists of individuals for commercial purposes. A request for lists of individuals must be accompanied by the requestor's signed declaration that the list will not be used for commercial purposes. The public records officer may inquire as to the requestor's intended use of the list and may deny the request if it is evident from the request that the list will be used for a commercial purpose.

(4) Assistance in identifying records. The public records officer may assist requestors in identifying the specific records sought by the requestor. With limited exceptions, a requestor may not be required to state the purpose of the request. However, the records officer may ask the purpose of the request if such inquiry will assist in identifying the records request.

AMENDATORY SECTION (Amending WSR 19-05-067, filed 2/19/19, effective 3/22/19)

**WAC 132H-169-085 Copying fees—Payments.** (1) Fees and payment procedures. The following copying fees and payment procedures apply to requests to the college under chapter 42.56 RCW and received on or after the effective date of this section.

(2) Inspection of records. There is no fee for inspecting public records made available for inspection by the public records officer.

(3) Actual costs not calculated. Pursuant to RCW 42.56.120

(2) (b), the college is not calculating all actual costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) The institution does not have the resources to conduct a study to determine all its actual copying costs;

(b) To conduct such a study would interfere with other essential college functions; and

(c) Through the 2017 legislative process, the public and requestors have commented on and been informed of authorized fees and costs,

including for electronic records, provided in RCW 42.56.120 (2)(b) and (c), (3), and (4).

(4) Default fees adopted. The college will charge for copies or records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The college will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.130, the college may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The college may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4). The charges for copying methods used by the college are summarized in the fee schedule available on the college's website at (~~(<https://www.bellevuecollege.edu/legal/publicrecords/>)~~) <https://www.bellevuecollege.edu> and search "public records."

(5) Advance payment required - Fee waivers. Requestors are required to pay for copies in advance of receiving records or an installment of records. The records officer will notify the requestor when payment is due. Fee waivers are an exception and are available for some small requests under the following conditions:

(a) It is within the discretion of the public records officer to waive copying fees when:

(i) All of the records responsive to an entire request are paper copies only and consist of (~~(twenty-five)~~) 25 or fewer pages; or

(ii) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of (~~(one hundred)~~) 100 printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this rule.

(b) Fee waivers are not applicable to records provided in installments.

(6) Copying fee deposits. The public records officer may require an advance deposit of (~~(ten)~~) 10 percent of the estimated fees when copying fees for an installment or an entire request or customized service charge, exceed (~~(twenty-five dollars)~~) \$25.

(7) Payment method. Payment should be made by check or money order payable to Bellevue College. The college prefers not to receive cash. For cash payments, it is within the public records officer's discretion to determine the denomination of bills and coins that will be accepted.

(8) Closure of request for nonpayment. The college will close a request when a requestor fails by the payment date to pay in the manner prescribed for records, an installment of records, or a required deposit.