

WSR 25-15-059
PERMANENT RULES
PIERCE COLLEGE

[Filed July 11, 2025, 2:04 p.m., effective August 11, 2025]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Pierce College has engaged with the rule-making process to update processes and procedures associated with chapter 132K-276 WAC regarding public records.

Citation of Rules Affected by this Order: Repealing WAC 132K-276-040, 132K-276-050, 132K-276-070, 132K-276-120, 132K-276-140, and 132K-276-990; and amending WAC 132K-276-010, 132K-276-020, 132K-276-030, 132K-276-060, 132K-276-080, 132K-276-090, 132K-276-100, 132K-276-110, and 132K-276-130.

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

Adopted under notice filed as WSR 25-06-076 on March 4, 2025.

Changes Other than Editing from Proposed to Adopted Version: Only minimal editing changes were made.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 9, Repealed 6.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 11, 2025.

Julie A. White
Chancellor

RDS-6197.3

AMENDATORY SECTION (Amending Order 18, filed 5/11/73)

WAC 132K-276-010 Purpose. The purpose of this chapter shall be to ~~((ensure compliance by the Community College District No. 11 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))~~ provide public access to existing, identifiable, nonexempt public records of Pierce College District No. 11 in accordance with the Public Records Act, chapter 42.56 RCW.

AMENDATORY SECTION (Amending Order 18, filed 5/11/73)

WAC 132K-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. 11.** The Community College District No. 11 is an agency organized by statute pursuant to RCW 28B.50.040. The Community College District No. 11 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.) The term "Public record" and other terms defined in the Public Records Act shall have the same meaning in this chapter that they have under the Public Records Act.~~

~~(2) **Public Records Act.** References the "Public Records Act" chapter 42.56 RCW.~~

~~(3) **Requestor.** A "requestor" is any person or entity requesting public records of the college pursuant to the Public Records Act.~~

~~(4) **College.** The term "college" means Pierce College District.~~

AMENDATORY SECTION (Amending Order 18, filed 5/11/73)

WAC 132K-276-030 Description of ((central and field organization of Community College District No. 11)) the college. ((~~District No. 11 is a community college district organized under RCW 28B.50.040. The administrative office of the district and its staff are located at Community College District No. 11, 9404 East 112th Street, Puyallup, Washington 98371.~~)) Pierce College is a public institution of higher education organized under RCW 28B.50.040 as a community college offering academic and professional degree programs at the undergraduate levels. The college is governed by a board of trustees appointed by the governor. Visit the Pierce College website for more information about the public records process at <https://www.pierce.ctc.edu>.

College Locations

Pierce College Fort Steilacoom
9401 Farwest Drive S.W.
Lakewood, WA 98498

Pierce College Puyallup
1601 39th Avenue S.E.
Puyallup, WA 98374

The public records office is open during college business hours.

AMENDATORY SECTION (Amending Order 18, filed 5/11/73)

WAC 132K-276-060 Public records officer. ~~The ((district's)) public records ((shall be in the charge of the public records officer designated by the college president. The person so designated shall be located in the administrative office of the district. The public records officer shall be responsible for the following: The implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973)) officer oversees compliance with the act, but another college employee may process the request. Therefore, these rules refer to the public records officer or designee. The public records officer or designee and the college provide the "fullest assistance" to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the college.~~

AMENDATORY SECTION (Amending Order 18, filed 5/11/73)

WAC 132K-276-080 Requests for public records. ~~((In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:~~

~~(1) A request shall be made in writing upon a form prescribed by the district which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the district's staff, if the public records officer is not available, at the administrative office of the district during customary office hours. The request shall include the following information:~~

~~(a) The name of the person requesting the record;~~

~~(b) The time of day and calendar date on which the request was made;~~

~~(c) The nature of the request;~~

~~(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;~~

~~(e) If the requested matter is not identifiable by reference to the district's current index, an appropriate description of the record requested.~~

~~(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.)) (1) Requests for public records of the college may be addressed to the public records officer at the address given in WAC 132K-276-030. The college encourages, but does not require, requestors to use the public records request form made available by the public records office on the college website. 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 requested.

AMENDATORY SECTION (Amending Order 18, filed 5/11/73)

WAC 132K-276-090 ((Copying.)) Costs of providing public records.

~~((No fee shall be charged for the inspection of public records. The district shall charge a fee of 10¢ per page of copy for providing copies of public records and for use of the district's copy equipment. This charge is the amount necessary to reimburse the district for its actual costs incident to such copying. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the district will provide copies at a rate sufficient to cover any additional cost. All fees must be paid by money order, cashier's check or cash in advance.))~~ (1) Costs for public records. There is no fee for inspecting public records made available by the public records officer or designee. The following fees apply to copies of public records:

(a) Ten cents per page for records scanned into electronic format;

(b) Five cents for every four electronic files or attachments uploaded to an email, cloud storage service, or other electronic delivery system;

(c) Ten cents per gigabyte for transmitting records electronically;

(d) Fifteen cents per page for photocopies of public records and/or printed copies of electronic public records when requested;

(e) The actual cost of any digital storage media or device provided by the agency, the actual cost of any container or envelope used

to mail the copies to the requestor, and the actual postage or delivery charge;

(f) The college will charge for customized services pursuant to RCW 42.56.120(3).

(2) Payment. Payment may be made by credit or debit card, cash, check, or money order to the college.

(a) All required fees must be paid in advance of release of the copies or an installment of copies, or in advance of when a deposit is required. The college notifies the requestor of when payment is due.

(b) A requestor may ask an agency to provide, and if requested an agency shall provide, a summary of the applicable charges before any copies are made and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charge.

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

(d) Copy charges may be waived in limited circumstances as set forth in WAC 44-06-092.

(3) Pursuant to RCW 42.56.120 (2)(b), the college declares that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records for the following reasons:

(a) Funds were not allocated for performing a study to calculate such actual costs and the agency lacks the necessary funds to perform a study and calculations;

(b) Staff resources are insufficient to perform a study and to calculate such actual costs; and

(c) A study would interfere with and disrupt other essential agency functions.

The college's public records office publishes a schedule of fees on the college's website consistent with this rule.

AMENDATORY SECTION (Amending Order 18, filed 5/11/73)

WAC 132K-276-100 Exemptions. (~~((1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132K-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 identifying details when it makes available or publishes any public records, 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 in writing. (See also, board of trustees Resolution No. 72-32, 7-10-72)~~

~~(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.)~~ (1) The Public Records Act provides that a number of types of records are exempt from public inspection and copying. In addition, records are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some records held by the college for

inspection and copying. This is not an exhaustive list as numerous exemptions exist outside the act. The college's failure to list an exemption here does not affect the efficacy of any exemption.

(a) RCW 5.60.060 - Privileged communications;

(b) 20 U.S.C. 1232g - Family Education Rights and Privacy Act (FERPA);

(c) 42 U.S.C. 405 (c)(2)(vii)(1) - Social Security numbers;

(d) Applications for public employment (other than for vacancies in elective office), including names and resumes RCW 42.56.250(2);

(e) 45 C.F.R. Parts 106 and 164 - Health Insurance Portability and Accountability Act of 1996 (HIPAA); and

(f) Chapter 10.97 RCW - Regarding criminal history information.

(2) The college is prohibited by statute from providing lists of individuals for commercial purposes.

AMENDATORY SECTION (Amending Order 18, filed 5/11/73)

WAC 132K-276-110 Review of denials of public records requests.

~~((1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.~~

~~(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the president of the college. The president or his designee shall immediately consider the matter and either affirm or reverse such denial or consult with the attorney general to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.~~

~~(3) Administrative remedies shall not be considered exhausted until the district has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.)~~ (1) Petition for internal administrative review of denial of access. Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the public records officer for a review of that decision. The petition must include a copy of, or reasonably identify, the written statement by the public records officer or designee denying the request.

(2) Consideration of petition for review. The public records officer immediately refers the petition to their supervisor, or a designee in the supervisor's absence, who considers the petition and either affirms or reverses such denial within three business days following the college's receipt of the petition, or within such other time as the college and the requestor mutually agree.

(3) Review by the attorney general's office. Pursuant to RCW 42.56.530, if the college denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office review the matter by following the attorney general's adopted rules in WAC 44-06-160.

(4) Judicial review. Any person may request court review of denials of public records requests pursuant to RCW 42.56.550 at the con-

clusion of two business days after the initial denial regardless of any internal administrative appeal.

AMENDATORY SECTION (Amending Order 18, filed 5/11/73)

WAC 132K-276-130 Records index. (~~((1) Index. The district has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972.~~

~~"(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;~~

~~(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;~~

~~(c) Administrative staff manuals and instructions to staff that affect a member of the public;~~

~~(d) Planning policies and goals, and interim and final planning decisions;~~

~~(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and~~

~~(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party."~~

~~(2) **Availability.** The current index promulgated by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.) As an institution of higher education, the college generally does not have occasion to issue nonexempt "final order," "declaratory orders," "interpretive statements," or "policy statements" as those terms are defined and used in the Public Records Act. Should the college possess such records, an index of final orders, declaratory orders, interpretive statements, and policy statements, entered after June 30, 1990, shall be available for public inspection at the office of the public records officer, and shall also be published on the college website. Any such index shall be organized by type of record and updated when deemed necessary. The college may choose to include more records in an index than is required by RCW 42.56.070 (5).~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132K-276-040	Operations and procedures.
WAC 132K-276-050	Public records available.
WAC 132K-276-070	Office hours.
WAC 132K-276-120	Protection of public records.
WAC 132K-276-140	Adoption of form.

WAC 132K-276-990

Appendix A—Request for public records.