WSR 26-09-142
PROPOSED RULES
CENTER FOR DEAF AND HARD OF HEARING YOUTH

[Filed April 22, 2026, 10:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 26-05-029.

Title of Rule and Other Identifying Information: Repeal and replace WAC 148-276-090 Costs of providing copies of public records; and amend WAC 148-276-030 to current email address for public records officer.

Hearing Location(s): On June 12, 2026, at 10:00 a.m., at 611 Grand Boulevard, Bilyeu Conference Room 150, Vancouver, WA 98661; or via Zoom at https://zoom.us/j/92179974739?from=addon.

Date of Intended Adoption: June 12, 2026.

Submit Written Comments to: Erica Rader, 611 Grand Boulevard, Vancouver, WA 98661, email erica.rader@cdhy.wa.gov, fax 360-696-6291, phone 360-418-0401, beginning May 6, 2026, at 8:00 a.m., by June 11, 2026, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Erica Rader, phone 360-418-0401, fax 360-696-6291, email erica.rader@cdhy.wa.gov, by June 11, 2026, at 5:00 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to comply with RCW 42.56.120 that requires that if an agency uses the law's statutory default copy fee schedule (rather than determining actual costs of copies), the agency must have a rule declaring the reason it is not calculating actual costs is because to do so would be unduly burdensome. The center for deaf and hard of hearing youth (agency) is not calculating actual costs for copying records because to do so would be unduly burdensome. The agency intends to adopt the rule on a permanent basis so it can continue to use the statutory default copy fee schedule. In addition, RCW 42.56.120 allows an agency to waive any charge assessed for a public record pursuant to agency rule. The agency intends to enact a permanent rule to address waiver of charges assessed for a public record. The agency intends to continue to explain the procedures for payment for copies. The agency intends to repeal WAC 148-276-090, its copying fees rule originally adopted under former chapter 42.17 RCW because that rule is now outdated. The anticipated effects of the rule change is that it will change the copying fees for public records. Finally, the agency intends to amend WAC 148-276-030 to provide the public records officer's current email address.

Reasons Supporting Proposal: To comply with RCW 42.56.120 that requires that if an agency uses the law's statutory default copy fee schedule (rather than determining actual costs of copies), the agency must have a rule declaring the reason it is not calculating actual costs is because to do so would be unduly burdensome. The agency is not calculating actual costs for copying records because to do so would be unduly burdensome. The agency intends to adopt the rule on a permanent basis so it can continue to use the statutory default copy fee schedule. In addition, RCW 42.56.120 allows an agency to waive any charge assessed for a public record pursuant to agency rule. The agency intends to enact a permanent rule to address waiver of charges assessed for a public record.

Statutory Authority for Adoption: RCW 34.05.010(16), 72.42.041(2), 72.40.0191 (12) and (17), 42.56.040, 42.56.070, 42.56.100, and 42.56.120.

Statute Being Implemented: RCW 42.56.120.

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

Name of Proponent: Center for deaf and hard of hearing youth, governmental.

Name of Agency Personnel Responsible for Drafting: Shelley Williams, Assistant Attorney General, 1220 Main Street, Suite 510, Vancouver, WA 98660, 360-619-4412; Implementation and Enforcement: Erica Rader, 611 Grand Boulevard, Vancouver, WA 98661, 360-418-0401.

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 an agency mandated to comply 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 review committee has not made the 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) as the rule content is explicitly and specifically dictated by statute.

Explanation of exemptions: This rule change is to implement RCW 42.56.120 regarding public records copying fees.

Scope of exemption for rule proposal:

Is fully exempt.

April 20, 2026
Shauna Bilyeu
Executive Director

RDS-7024.1

AMENDATORY SECTION (Amending WSR 16-11-001, filed 5/4/16, effective 6/4/16)

WAC 148-276-010 Purpose. The purpose of the rules in this chapter is to establish the procedures Washington ((~~state center for childhood deafness and hearing loss~~)) center for deaf and hard of hearing youth (center) will follow in order to provide full access to nonexempt public records. These rules provide information to persons requesting access to public records of the center and establish processes for both requestors and center staff that are designed to best assist members of the public in obtaining access.

AMENDATORY SECTION (Amending WSR 16-11-001, filed 5/4/16, effective 6/4/16)

WAC 148-276-030 Agency description—Public records officer—Public records. (1) The ((~~Washington state center for childhood deafness and hearing loss~~)) center is a state agency established and organized under the authority of chapter 72.40 RCW to provide statewide leadership and support for the coordination of regionally delivered educational services and supports for children who are deaf or hard of hearing and promote the development of communication-rich learning environments for these children. The administrative office of the center is located at 611 Grand Boulevard, Vancouver, Washington 98661. The center manages and supervises the school for the deaf which is also located at 611 Grand Boulevard, Vancouver, Washington 98661.

(2) Any person wishing to request access to public records of the center, or seeking assistance in making such a request should contact the public records officer of the center:

Washington State Center for ((~~Childhood Deafness and Hearing Loss~~)) Deaf and Hard of Hearing Youth
611 Grand Blvd.
Vancouver, WA 98661-4918
360-696-6525 (voice)
360-334-5448 (video phone)
360-696-6291 (fax)
((~~Executive.Assistant@cdhl.wa.gov~~)) PRR@cdhy.wa.gov

(3) The public records officer will oversee compliance with the act but another center staff member may process the request. Therefore, these rules will refer to the public records officer or "designee." The public records officer or designee and the center will provide the "fullest assistance" to requestors; create and maintain for use by the public and center officials an index to public records of the center; 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 center.

AMENDATORY SECTION (Amending WSR 16-11-001, filed 5/4/16, effective 6/4/16)

WAC 148-276-050 Public records available. (1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the center, Monday through Friday, 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., excluding legal holidays and holidays established by the school calendar. Records must be inspected at the offices of the center.

(2) **Records index.** An index of public records is available for use by members of the public consisting of the records retention schedule according to record series title, manuals and policy statements by one or more of the following classifications: Administration, statewide (outreach) services, academic and residential life.

(3) **Organization of records.** The center will maintain its records in a reasonably organized manner. The center will take reasonable actions to protect records from damage and disorganization. A requestor

shall not take center or school for the deaf records from center offices without the permission of the public records officer or designee.

(4) **Making a request for public records.**

(a) Any person wishing to inspect or copy public records of the center should make the request in writing on the center's public records request form, or by letter, fax, or email addressed to the public records officer and including the following information:

• Name of requestor;

• Address of requestor;

• Other contact information, including telephone number and any email address;

• Identification of the public records adequate for the public records officer or designee to locate the records;

• The date and time of day of the request; and

• A verification that the records requested shall not be used for commercial purposes.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. ((~~Pursuant to WAC 148-276-090, standard photocopies will be provided at fifteen cents per page.~~))

(c) A form is available for use by requestors at the office of the public records officer or online at the center's website.

(d) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

NEW SECTION

WAC 148-276-095 Copying fees—Payments. (1) The following copy fees and payment procedures apply to requests to the center under chapter 42.56 RCW.

(2) Pursuant to RCW 42.56.120 (2)(b), the center is not calculating all costs for copying records because to do so would be unduly burdensome for the following reasons:

(a) The center 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 agency 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).

(3) The center will charge for copies of records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The center will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.130, the center may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The center may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4). The charges for copying methods used by the center are summarized in the fee schedule available on the center's website at www.cdhy.wa.gov.

(4) Requestors may be required to pay for copies in advance of receiving records. 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 are 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 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.

(5) The public records officer may require an advance deposit of 10 percent of the estimated fees when the copying fees of an installment or an entire request, or customized service charge, exceeds $25.

(6) When requestors are required to pay in advance, 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 center will notify the requestor of when payment is due.

(7) Payment should be made by check or money order to the center for deaf and hard of hearing youth. The center 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) The center 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 148-276-090	Costs of providing copies of public records.