



# PROPOSED RULE MAKING

## CR-102 (August 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: June 05, 2018

TIME: 7:26 AM

WSR 18-12-083

Agency: Edmonds Community College

Original Notice

Supplemental Notice to WSR \_\_\_\_\_

Continuance of WSR \_\_\_\_\_

Preproposal Statement of Inquiry was filed as WSR 17-15-013 ; or

Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Proposal is exempt under RCW \_\_\_\_\_.

Title of rule and other identifying information: (describe subject) Public Records Policy Chapter 132Y-320

### Hearing location(s):

Date: Time: Location: (be specific) Comment:

Date:	Time:	Location: (be specific)	Comment:
July 10, 2018	2:00pm-4:00pm	Edmonds Community College Gateway Hall, Room 352 6600 196th St SW Lynnwood, WA 98036	

Date of intended adoption: September 13, 2018 (Note: This is NOT the effective date)

### Submit written comments to:

Name: Dennis Curran, Vice President for Human Resources

Address: 20000 68<sup>th</sup> Ave W, Lynnwood, WA 98036-5999

Email: [dennis.curran@edcc.edu](mailto:dennis.curran@edcc.edu)

Fax: 425-640-1359

Other:

By (date) \_\_\_\_\_

### Assistance for persons with disabilities:

Contact Nadescha Bunje, Executive Assistant to the VP for HR

Phone: 425-640-1036

Fax: 425-640-1359

TTY:

Email: [nadescha.bunje@edcc.edu](mailto:nadescha.bunje@edcc.edu)

Other:

By (date) \_\_\_\_\_

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this proposal is to align the code with recent updates in the Public Records Act concerning fees for providing copies of public records. The proposal also provides the necessary findings allowing Edmonds Community College to adopt the amended statutory default fee schedule that went into effect on July 23, 2017. The additional purpose of this proposal is to update the rule to reflect current college policies and procedures around public records requests.

**Reasons supporting proposal:** The 2017 Legislature amended RCW 42.56.120, Sec. 3 to require that, effective July 23, 2107, an agency using the new law's amended 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 college has elected not to calculate actual costs for copying records because to do so would be unduly burdensome due to the costs involved in conducting a cost study, which would divert resources away from other critical programs. The college has also implemented new policies and procedures around public records requests in response to the broad adoption of technologies including the Internet and email. The proposal will support the implementation of these updated policies and procedures.

**Statutory authority for adoption:** RCW 28B.50.140; RCW 42.56.100; RCW 42.56.040(1)(d); RCW 42.56.120

**Statute being implemented:** RCW 42.56.120

**Is rule necessary because of a:**

- Federal Law?  Yes  No  
Federal Court Decision?  Yes  No  
State Court Decision?  Yes  No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization) Edmonds Community College  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Dennis Curran, VP for HR	Clearview Building, Room 122	425-640-1647
Implementation:	Dennis Curran, VP for HR	Clearview Building, Room 122	425-640-1647
Enforcement:	Dennis Curran, VP for HR	Clearview Building, Room 122	425-640-1647

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

- Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain: A cost-benefit analysis is not required as this agency is not listed under RCW 34.05.328(5)(a)(i).

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_.

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**


If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

<b>Date:</b> 6/4/2018	<b>Signature:</b> 
<b>Name:</b> Dennis Curran	
<b>Title:</b> VP for HR, EdCC	