



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Early Learning (DEL)

- Preproposal Statement of Inquiry was filed as WSR 09-18-055 _____ ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____ ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

Public Disclosure of DEL Records. Adopting a new chapter of title 170 WAC.

Hearing location(s):

See Attachment A

Date: _____ Time: _____

Submit written comments to:

Name: Department of Early Learning - Rules Coordinator

Address: PO Box 40970, Olympia, WA 98504-0970

Online at:

<https://apps.del.wa.gov/PolicyProposalComment/Detail.aspx>

e-mail Rules@del.wa.gov

fax (360)413-3482 by (date) February 13, 2012

Assistance for persons with disabilities: Contact

DEL Rules Coordinator by February 2, 2012

TTY () _____ or (360) 725-4424

Date of intended adoption: Not earlier than February 14, 2012

(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: To adopt new public disclosure rules and related rules as they pertain to DEL, describe DEL's organization (as required by RCW 42.56.040) and help give the public information about requesting DEL records.

Reasons supporting proposal: These proposed rules simplify and give clarity to the public disclosure process.

Statutory authority for adoption: RCW 42.56.040, RCW 43.215, and RCW 43.215.070

Statute being implemented: RCW 42.56.040

Is rule necessary because of a:

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

If yes, CITATION:

DATE

January 4, 2012

NAME (type or print)

Elizabeth M. Hyde

SIGNATURE

TITLE DEL Director

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

DATE: January 04, 2012

TIME: 11:12 AM

WSR 12-02-081

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

DEL records disclosure impacts the entire agency. Currently, DEL uses the Attorney General's model rules as guidance. However, as mentioned in this WAC, the model rules were created as guidance and because state agencies vary in size, resources and the complexity of the requests they receive, a "one-size-fits-all" approach may not be suitable to the respectable agencies. What is laid out in the model rules might very well work for one agency, but not for DEL. These rules give DEL the opportunity to make an easier, more streamlined process for requesters.

Name of proponent: (person or organization) Department of Early Learning

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting.....C. Brandon Chapman, Communications	DEL State Office, PO Box 40970, Olympia, WA 98504	(360) 725.4385
Implementation....Public Records Officer	DEL State Office, PO Box 40970, Olympia, WA 98504	()
Enforcement..... Communications Manager	DEL State Office, PO Box 40970, Olympia, WA 98504	()

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

The proposed rules are not expected to impose new costs on businesses that choose to request records from DEL. If the rules result in costs, those costs are not expected to be "more than minor" as defined in chapter 19.85 RCW.

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 () _____

e-mail _____

No: Please explain: DEL is not among the agencies listed as required to comply with RCW 34.05.328.

**Attachment A to CR-102
New Chapter 170-01
DEL Public Records**

Public hearing locations, dates and times:

- 1. Tumwater: Tuesday, February 7, 2012, 6:00 p.m.**
Department of Early Learning Tumwater office
Tumwater office – Nisqually room
6860 Capitol Boulevard SE – Building 2
Tumwater, WA 98501

- 2. Spokane: Saturday, February 11, 2012, 11:00 a.m.**
Northeast Washington Educational Services District 101
4202 S. Regal
Spokane, WA 99223

Individuals may arrive after the posted start time and still participate in these hearing. However, the presiding officer may close the hearing if there are no public participants in attendance, or after all persons who indicated they wish to testify have done so. The public is encouraged to give input in writing:

The deadline for sending written comments on the proposed rules is midnight on Monday, February 13, 2012. See the “submit written comments to” section of this notice about how to submit written input on this proposal.

DEL encourages the public to use of the Department Facebook and DEL blog pages on the internet to post input about DEL programs and initiatives. However, for a written comment to be considered part of the official record for this proposal, the comment must be received at the online, e-mail, fax or postal mail locations as described in this notice under “submit written comments to.”

Everyone who comments on the proposed rules either in writing as provided in this notice or at a public hearing will receive the department’s combined written response, called a *Concise Explanatory Statement*. This statement is also available to anyone who requests it, by writing to the DEL Rules Coordinator, PO Box 40970, Olympia, WA 98504-0970 or by e-mailing Rules@del.wa.gov.

End of Attachment A

