



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: July 06, 2022

TIME: 10:34 AM

WSR 22-14-108

Agency: Bellevue College

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 22-10-075 ; 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); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) WAC 132H-126, BC Policy 2050, Student Conduct Code revision. Amended: 132H-126-100, 400, 410, 460.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
Wednesday, September 28, 2012	11am- 12pm (PT)	Virtual meeting: Zoom: https://bellevuecollege.zoom.us/j/83655078121?pwd=dXM1M3UySk5aY25qSTZDNmxJYitOdz09&from=addon#success	Meeting will be held virtually.

Date of intended adoption: 11/10/22 (Note: This is NOT the effective date)

Submit written comments to:

Name: Megan Kaptik

Address: 3000 Landerholm Circle NE, Bellevue WA 98007

Email: megan.kaptik@bellevuecollege.edu

Fax:

Other: 425-564-2757

By (date) _____

Assistance for persons with disabilities:

Contact Megan Kaptik

Phone: 425-564-2757

Fax:

TTY:

Email: megan.kaptik@bellevuecollege.edu

Other:

By (date) _____

Purpose of the proposal and its anticipated effects, including any changes in existing rules: WAC 132H-126-100 amendment: modified definitions of abuse later in life, domestic violence, economic & technological abuse, hazing; 132H-126-400: amends order of precedence; 132H-126-410: amended definitions of domestic violence, economic & technological abuse; and 132H-126-460: removes cross examination requirement.

Reasons supporting proposal: On August 10, 2021, a decision from a federal district vacated a portion of the 2020 amendments to the Title IX regulations related to cross-examination, 34 C.F.R. § 106.45(b)(6)(i). This needs to be removed from the Code. Second, On March 15, 2022, President Biden signed the Violence Against Women Act Reauthorization Act of 2022 (“VAWA”) into law. This changed the definition of domestic violence and added definitions for different aspects of domestic abuse. VAWA takes effect October 1, 2022. Third, on March 30, 2022, Governor Inslee signed Sam’s Law (HB 1751) into law. This bill requires the College to update the definition of hazing and extend the prohibition to include off-campus hazing. The College must be compliant before the start of fall term.

Statutory authority for adoption: Chapter 34.05 RCW and RCW 28B.50.140(13)

Statute being implemented: P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.; 34 C.F.R. § 106.45(b)(6)(i)

Is rule necessary because of a:

Federal Law?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Federal Court Decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION: 34 C.F.R. § 106.45(b)(6)(i)

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

Name of proponent: (person or organization) Bellevue College

Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Megan Kaptik	3000 Landerholm Circle SE Bellevue WA 98007 Mail Stop U307B	425-564-2757
Implementation:	Megan Kaptik	3000 Landerholm Circle SE Bellevue WA 98007 Mail Stop U307B	425-564-2757
Enforcement:	Megan Kaptik	3000 Landerholm Circle SE Bellevue WA 98007 Mail Stop U307B	425-564-2757

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: Bellevue College is not one of the enumerated agencies required to conduct cost benefit analyses under RCW 34.05.328(5).

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: 34 C.F.R. § 106.45(b)(6)(i) US Dept. of Education title IX regulations

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:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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:

Date: 7/6/22

Name: Loreen McRea Keller

Title: Associate Director of Policies & Special Projects

Signature:

A handwritten signature in black ink, appearing to read "Loreen McRea Keller". The signature is written in a cursive, flowing style with a prominent initial "L" and "M".