

# Chapter 132M-113 WAC

## ACCESS TO STUDENT RECORDS

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132M-113-035	Release of information to the public. [Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. WSR 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-113-035, filed 11/4/81.] Repealed by WSR 92-09-093, filed 4/17/92, effective 5/18/92. Statutory Authority: RCW 28B.50.140, 20 U.S.C. ss 1232g and chapter 34.05 RCW.
132M-113-045	Notification and record of access. [Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. WSR 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-113-045, filed 11/4/81.] Repealed by WSR 92-09-093, filed 4/17/92, effective 5/18/92. Statutory Authority: RCW 28B.50.140, 20 U.S.C. ss 1232g and chapter 34.05 RCW.

### WAC 132M-113-010 Student's access to records. (1)

When a student enrolls at the college and submits the required data for academic and personal records, there is an assumption of trust placed in the college as custodian of this data. The college policy is that "education records," as defined at 20 U.S.C. §1232g (a)(4), shall remain confidential, except as otherwise specified in this chapter. The college fully subscribes to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §1232g.

(2) Students may inspect and review the contents of their education records upon request to the appropriate record custodian. Students should submit a written request to the college individual or office having custody of the particular record which identifies as precisely as possible the record(s) the student wishes to inspect. The review must be conducted within forty-five days of the request. A college individual or office which is unable to comply with a student's request within the time period stated above shall inform the student of that fact and the reasons in writing.

(3) Where requested records or data include information about more than one student, the student shall be entitled to inspect and review only that part of the record or data that pertains to the student.

(4) Recommendations, evaluations, or comments concerning a student, which are provided in expressed or implied confidence as between the author and the recipient, shall be made available to the student except as provided in WAC 132M-113-015.

[Statutory Authority: RCW 28B.50.140, 20 U.S.C. ss 1232g and chapter 34.05 RCW. WSR 92-09-093, § 132M-113-010, filed 4/17/92, effective 5/18/92. Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. WSR 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-113-010, filed 11/4/81.]

(4/17/92)

### WAC 132M-113-015 Waiver of student access right.

(1) Students may waive their access rights to confidential recommendations related to the student's admission, application for employment, and receipt of honors.

(2) A student's waiver of his/her right of access to confidential statements shall apply only if:

(a) The student is, upon request, notified of the names of all persons making confidential statements concerning him/her; and

(b) Such confidential statements are used solely for the purpose for which they were originally intended; and

(c) Such waivers are not required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from the college.

(3) Confidential letters and recommendations to which a student has waived his/her right of access, or which were placed in the student's file prior to January 1, 1975, may not be used for any purpose other than that specifically intended and shall not be subject to release under WAC 132M-113-010(2). Such records shall remain confidential and shall be released only with consent of the author.

[Statutory Authority: RCW 28B.50.140, 20 U.S.C. ss 1232g and chapter 34.05 RCW. WSR 92-09-093, § 132M-113-015, filed 4/17/92, effective 5/18/92. Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. WSR 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-113-015, filed 11/4/81.]

### WAC 132M-113-020 Release of information—General policy and procedure. (1)

The college respects the right of its students to determine employers or prospective employers to whom they wish the college to furnish personal information. At the written request of the student concerned, the college will respond to inquiries originating from employers or prospective employers—public or private.

(2) The college shall send individually identified written reports to other educational institutions only with written consent of the student involved, according to the requirements of WAC 132M-113-030.

(3) All students, including those who have not reached the age of 18, enrolled at the college must give written consent pursuant to WAC 132M-113-030 before any parties other than those authorized under WAC 132M-113-030 can review their records.

(4) No records shall be kept that reflect a student's political or ideological beliefs or associations. Information relative to an identifiable individual's race or creed will not be provided at any time, except when specifically authorized by federal law.

(5) Information contained in counseling and disciplinary files will not be released except as provided in WAC 132M-113-030.

(6) Student education records may be destroyed in accordance with a department's routine retention schedule. In no case will any record which is requested by a student for

review be removed or destroyed prior to providing the student access.

[Statutory Authority: RCW 28B.50.140, 20 U.S.C. ss 1232g and chapter 34.05 RCW. WSR 92-09-093, § 132M-113-020, filed 4/17/92, effective 5/18/92. Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. WSR 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-113-020, filed 11/4/81.]

**WAC 132M-113-025 Release of information to or about parents and spouses.** Parents and spouses of students enrolled at the college may have access to the student's records only with the written consent of the student. Students shall not be given access to their parents' financial records.

[Statutory Authority: RCW 28B.50.140, 20 U.S.C. ss 1232g and chapter 34.05 RCW. WSR 92-09-093, § 132M-113-025, filed 4/17/92, effective 5/18/92. Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. WSR 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-113-025, filed 11/4/81.]

**WAC 132M-113-030 Release of personally identifiable records.** (1) The college shall not permit access to or the release of education records or personally identifiable information contained therein without the written consent of the student to any party other than the following:

(a) College staff, faculty, and students when officially appointed to a faculty council or administrative committee, when the information is required for a legitimate educational interest within the performance of their responsibilities to the college with the understanding that the information will be used only in connection with that interest.

(b) Federal and state officials requiring access to education records in connection with the audit and evaluation of a federally or state-supported education program or in connection with the enforcement of the federal or state legal requirements which relate to such programs. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, or enforcement of legal requirements.

(c) Agencies or individuals requesting information in connection with a student's application for, or receipt of, federal or state financial aid.

(d) Researchers conducting studies for or on behalf of the college for purposes of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than representatives of such researchers, and such information will be destroyed when no longer needed for the purposes for which it was provided.

(e) Accrediting organizations in order to carry out their accrediting functions.

(f) Any person or entity designated by judicial order or lawfully issued subpoena, upon condition that the student is notified of all such orders or subpoenas in advance of the compliance therewith. Any college individual(s) or office(s) receiving a subpoena or judicial order for education records should immediately notify the assistant attorney general.

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(2) Where the consent of a student is obtained for the release of education records, it shall be in writing, signed and dated by the person giving such consent, and shall include:

(a) A specification of the records to be released;

(b) The reasons for such release; and

(c) The names of the parties to whom such records will be released.

(3) In such cases where records are made available without student release as permitted by subsection (1)(b), (c), (d), (e), and (f) of this section, the college shall maintain a record kept with the education record release which will indicate the parties which have requested or obtained access to a student's records maintained by the college and which will indicate the legitimate interest of an investigating party. Releases in accordance with subsection (1)(a) of this section need not be recorded.

(4) Personally identifiable education records released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally identifiable form to any other parties without obtaining consent of the student.

[Statutory Authority: RCW 28B.50.140, 20 U.S.C. ss 1232g and chapter 34.05 RCW. WSR 92-09-093, § 132M-113-030, filed 4/17/92, effective 5/18/92. Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. WSR 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-113-030, filed 11/4/81.]

**WAC 132M-113-040 Release of information in emergencies.** Necessary student information may be released in connection with an emergency and/or to protect the health and safety of a student or other persons. Definition of "emergency" is left to the custodian of the records, but must be strictly construed.

[Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. WSR 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-113-040, filed 11/4/81.]

**WAC 132M-113-050 College records.** (1) A list of the types of education records maintained by the college and the record locations may be obtained by the student at the registrar's office. All college staff or offices having custody of education records will develop procedures in accordance with WAC 132M-113-010 through 132M-113-055. Any supplementary regulations found necessary by departments will be filed with the registrar's office, which will be responsible for periodic review of policy and procedures.

(2) Disciplinary records shall be kept separate from academic records, and transcripts of a student's academic record shall contain no notation of any disciplinary action. Special precautions shall be exercised to insure that information from disciplinary or counseling files is not revealed to unauthorized persons except as allowed under 20 U.S.C. § 1232g (b)(6). Provision shall be made for periodic review and routine destruction of inactive disciplinary records by offices maintaining such records.

[Statutory Authority: RCW 28B.50.140, 20 U.S.C. ss 1232g and chapter 34.05 RCW. WSR 92-09-093, § 132M-113-050, filed 4/17/92, effective 5/18/92.]

(4/17/92)

**WAC 132M-113-055 Review of records requests and requests to amend.** (1) The registrar shall be responsible for reviewing unusual requests for information and for assisting in the interpretation of these rules.

(2)(a) A student who believes that information contained in his/her educational records is inaccurate or misleading or violates his/her privacy may request that the college amend these records. The student should identify the part of the record they seek to amend and specify why he/she believes it is inaccurate, misleading, or in violation of his/her privacy rights.

(b) The college shall decide within ten working days of a student's request to amend records whether or not it will amend those records.

(c) If the college decides not to amend the record as requested, it shall inform the student of the decision and advise the student of the right to a brief adjudicative proceeding.

(d) The student aggrieved by a denial of his/her request to amend records may file an official grievance in accordance with the provisions of WAC 132M-108-020. However, any matter regarding the appropriateness of official academic grades shall not be reviewed beyond that provided for in WAC 132M-120-310.

(e) If, at the conclusion of the hearing process, the college still declines to amend the student's educational records, the student may place a statement in his/her educational records explaining that he/she disagrees with the decision of the college and setting out the reasons why. This statement shall be retained as long as the disputed information is on file and shall be forwarded with this information any time it is disclosed to an outside agency.

[Statutory Authority: RCW 28B.50.140, 20 U.S.C. ss 1232g and chapter 34.05 RCW. WSR 92-09-093, § 132M-113-055, filed 4/17/92, effective 5/18/92.]