

**Chapter 495A-280 WAC**  
**FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT**

Last Update: 10/1/20

**WAC**

495A-280-010 General policy.  
495A-280-015 Definitions.  
495A-280-120 Remedy for students protected by this act.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

495A-280-020 Annual notification of rights. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-280-020, filed 5/26/92, effective 6/26/92.] Repealed by WSR 20-20-055, filed 10/1/20, effective 11/1/20. Statutory Authority: Chapters 34.05, 42.56 RCW and RCW 28B.50.140.

495A-280-030 Procedure to inspect education records. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-280-030, filed 5/26/92, effective 6/26/92.] Repealed by WSR 20-20-055, filed 10/1/20, effective 11/1/20. Statutory Authority: Chapters 34.05, 42.56 RCW and RCW 28B.50.140.

495A-280-040 Disclosure of education records. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-280-040, filed 5/26/92, effective 6/26/92.] Repealed by WSR 20-20-055, filed 10/1/20, effective 11/1/20. Statutory Authority: Chapters 34.05, 42.56 RCW and RCW 28B.50.140.

495A-280-050 Limits on rights to review and inspect and obtain copies of education records. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-280-050, filed 5/26/92, effective 6/26/92.] Repealed by WSR 20-20-055, filed 10/1/20, effective 11/1/20. Statutory Authority: Chapters 34.05, 42.56 RCW and RCW 28B.50.140.

495A-280-060 Record of request and disclosures. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-280-060, filed 5/26/92, effective 6/26/92.] Repealed by WSR 20-20-055, filed 10/1/20, effective 11/1/20. Statutory Authority: Chapters 34.05, 42.56 RCW and RCW 28B.50.140.

495A-280-070 Disclosure of directory information. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-280-070, filed 5/26/92, effective 6/26/92.] Repealed by WSR 20-20-055, filed 10/1/20, effective 11/1/20. Statutory Authority: Chapters 34.05, 42.56 RCW and RCW 28B.50.140.

495A-280-080 Requests for corrections, hearings, adding statements to education records. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-280-080, filed 5/26/92, effective 6/26/92.] Repealed by WSR 20-20-055, filed 10/1/20, effective 11/1/20. Statutory Authority: Chapters 34.05, 42.56 RCW and RCW 28B.50.140.

495A-280-090 Fees for copies. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-280-090, filed 5/26/92, effective 6/26/92.] Repealed by WSR 20-20-055, filed 10/1/20, effective 11/1/20. Statutory Authority: Chapters 34.05, 42.56 RCW and RCW 28B.50.140.

495A-280-100 Waiver. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-280-100, filed 5/26/92, effective 6/26/92.] Repealed by WSR 20-20-055, filed 10/1/20, effective 11/1/20. Statutory Authority: Chapters 34.05, 42.56 RCW and RCW 28B.50.140.

495A-280-110 Type and location of education records. [Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-280-110, filed 5/26/92, effective 6/26/92.] Repealed by WSR 20-20-055, filed 10/1/20, effective 11/1/20. Statutory Authority: Chapters 34.05, 42.56 RCW and RCW 28B.50.140.

**WAC 495A-280-010 General policy.** Bates Technical College, District 28, implements the policy contained in this chapter in compliance with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g) and its implementing regulation (34 C.F.R. §99). Bates Technical College, District 28, is required to provide students with access to their own education records, to permit students to challenge their records on the grounds that they are inaccurate, misleading, or otherwise in violation of the student's privacy or other right, to obtain written consent before releasing certain information and to notify students of these rights.

[Statutory Authority: Chapters 34.05, 42.56 RCW and RCW 28B.50.140. WSR 20-20-055, § 495A-280-010, filed 10/1/20, effective 11/1/20. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-280-010, filed 5/26/92, effective 6/26/92.]

**WAC 495A-280-015 Definitions.** For the purposes of this policy, the following definitions of terms apply:

(1) "Student" is someone who is currently or previously enrolled in a course offering at Bates Technical College, District 28. A student includes all persons taking courses at or through the college whether on a full-time or part-time basis and whether such courses are credit courses, noncredit courses, online courses, continuing education, or contract courses.

(2) "Family Educational Rights and Privacy Act" and "FERPA" mean the law and regulations known by those names (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99).

(3) "Education records" are defined as those records, files and documents (in handwriting, print, tapes, film, microfiche or other medium) maintained by Bates Technical College which contain information directly related to the individual student. Education records include only the following:

(a) Records pertaining to admission, advisement, registration, grading, and progress toward a degree or certificate that are maintained by the registrar.

(b) Testing information used for advisement purposes by the counseling center.

(c) Information concerning payment of fees as maintained by the registrar.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students participating in student government or student government-sponsored activities that is maintained by the student programs office.

(4) "Directory information" means:

(a) The student's name;

(b) Major field of study;

(c) Enrollment status;

(d) Dates of attendance;

(e) Participation in recognized activities;

(f) Credentials (i.e., degrees, certificates, etc.); and

(g) Honors.

Directory information may be disclosed at the discretion of the college and without the consent of the student unless they elect to prevent disclosure as outlined in college policy.

(5) "Written consent" means a written authorization for disclosure of student education records which is:

(a) Signed;

(b) Dated;

(c) Which specifies the records to be disclosed; and

(d) Which specifies to whom disclosure is authorized.

(6) "Personally identifiable" means data or information which includes: The name of the student, the student's parent(s), or other family members; a personal identifier such as the student's Social Security number or student number; or a list of personal characteristics which would make the student's identity easily traceable.

(7) "College registrar" is a college administrator designated by the vice president for student services to be responsible for overseeing FERPA unless the vice president of student services assigns a different administrator as the designee.

(8) "RCW" means Revised Code of Washington and can be accessed at <http://apps.leg.wa.gov/rcw/>.

(9) "WAC" means the Washington Administrative Code and can be accessed at <http://app.leg.wa.gov/wac/>.

[Statutory Authority: Chapters 34.05, 42.56 RCW and RCW 28B.50.140. WSR 20-20-055, § 495A-280-015, filed 10/1/20, effective 11/1/20. Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-280-015, filed 5/26/92, effective 6/26/92.]

**WAC 495A-280-120 Remedy for students protected by this act.** A student may file a written complaint with the U.S. Department of Education regarding an alleged violation of the Federal Education Rights and Privacy Act. The address is:

Family Policy and Regulations Office  
U.S. Department of Education  
Washington, D.C. 20202

[Statutory Authority: RCW 28B.10.140, 42.30.075, chapter 34.05 RCW and 1991 c 238. WSR 92-12-017, § 495A-280-120, filed 5/26/92, effective 6/26/92.]