

Chapter 132A-280 WAC

CONFIDENTIALITY OF STUDENT RECORDS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132A-280-005	General statement. [Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-280-005, filed 5/30/80.] Repealed by WSR 99-19-150, filed 9/22/99, effective 10/23/99.
132A-280-010	Definition of student. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. WSR 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-280-010, filed 7/5/83. Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-280-010, filed 5/30/80.] Repealed by WSR 99-19-150, filed 9/22/99, effective 10/23/99.
132A-280-015	Definition of official records. [Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-280-015, filed 5/30/80.] Repealed by WSR 99-19-150, filed 9/22/99, effective 10/23/99.
132A-280-020	Administrative safeguards. [Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-280-020, filed 5/30/80.] Repealed by WSR 99-19-150, filed 9/22/99, effective 10/23/99.
132A-280-030	Application of terms of the policy. [Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-280-030, filed 5/30/80.] Repealed by WSR 99-19-150, filed 9/22/99, effective 10/23/99.

WAC 132A-280-006 Purpose. The purpose of this student records policy is to establish rules and procedures that appropriately implement the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. § 1232g). Peninsula College is committed to safeguarding appropriate access to student educational records as well as to maintaining individual student privacy.

(1) Generally, students have the right to review and copy their education records. Students also have the right to chal-

lenge the content of, the release of, or denial of access to, their educational records.

(2) The college normally will not permit access to or release of the student's education records to the public without authorization by the student, though some exceptions exist. Please see below for a complete description of the policy.

(3) The college may release directory information concerning a student unless the student requests in writing that directory information not be released.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-280-006, filed 7/20/99, effective 8/20/99.]

WAC 132A-280-011 Definitions. For purposes of this chapter, the following terms shall have the indicated meanings:

(1) "Student" shall mean any person who is, or has been officially registered at, and is or has been attending Peninsula College and with respect to whom the college maintains education records or personally identifiable information.

(2) "Education records" shall refer to:

(a) Records, files, documents, and other materials maintained by Peninsula College or by a person acting for Peninsula College containing information directly related to a student;

(b) Records relating to an individual in attendance at the college who is employed as a result of his or her status as a student. However, records made and maintained by the college in the normal course of business which relate exclusively to a person's capacity as an employee are not education records.

(3) The term "education records" does not include the following:

(a) Records of instructional, supervisory, or administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute.

(b) Records of the college's department of safety and security, maintained solely for law enforcement purposes, disclosed only to law enforcement officials, and maintained separately from education records in subsection (2) of this section, but only if said law enforcement personnel do not have access to the records under WAC 132A-280-065; or

(c) Records concerning a student created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained, or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment. However, such records may be personally

reviewed by a physician or other appropriate professional of the student's choice.

(4) "Personally identifiable information" shall refer to data or information which includes either:

(a) The name of a student, the student's parent, or other family member;

(b) The address of the student;

(c) The address of the student's family;

(d) A personal identifier, such as the student's Social Security number or student number;

(e) A list of personal characteristics which would make it possible to identify the student with reasonable certainty; or

(f) Other information which would make it possible to identify the student with reasonable certainty.

(5) "Registration director" shall refer to the dean of enrollment and student services.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-280-011, filed 7/20/99, effective 8/20/99.]

WAC 132A-280-016 Direction to college offices retaining student education records. All college individuals or offices having custody of education records shall develop procedures in accordance with WAC 132A-280-026 through 132A-280-085. Any supplementary regulations found necessary by departments shall be filed with the college's records committee, which shall be responsible for periodic review of policy and procedures.

(1) Disciplinary records shall be kept separate from academic records, and transcripts and a student's academic record shall contain no notation of any disciplinary action. Special precautions shall be exercised to ensure that information from disciplinary or counseling files is not revealed to unauthorized persons. Provision shall be made for periodic review and routine destruction of inactive disciplinary records by offices maintaining such records.

(2) No records shall be kept that reflect a student's political or ideological beliefs or association.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-280-016, filed 7/20/99, effective 8/20/99.]

WAC 132A-280-021 Access to education records. (1) Except as provided in WAC 132A-280-026, students at Peninsula College shall have access to their education records. The right of access shall include the right to inspect, review, and obtain copies of education records.

(2) The director of registration shall prepare and maintain a list of the types of student education records maintained by Peninsula College.

(3) Students wishing access to their education records shall submit a written request for access to the director of registration. A request for access shall be acted upon by the director of registration within a reasonable period of time, not to exceed ten days.

(4) The director of registration shall provide students of the college with a reasonable opportunity to access education records, provided that the director of registration shall be responsible for taking appropriate measures to safeguard and ensure the security and privacy of the institution's records being inspected by students.

(5) The director of registration will inform in writing students who have requested access to their education records of

the nature of any records which are being withheld from the student on the basis of exceptions set forth in WAC 132A-280-065 and 132A-280-070. A student may challenge a decision by the director of registration to withhold certain of the student's records by filing an appeal with the grievance review committee, WAC 132A-280-050.

(6) Where requested records or data include information on more than one student, the requesting student shall be entitled to receive or be informed of only that part of the record or data that pertains to him or herself.

(7) Students have the right to obtain copies of their education records. Charges for the copies shall not exceed the cost normally charged by the college (except in cases where charges have previously been approved by the board of trustees for certain specified services, such as transcripts and grade sheets).

(8) This section shall not prohibit the college from providing a student with a copy of the student's academic transcript without prior clearance from the director of registration.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-280-021, filed 7/20/99, effective 8/20/99.]

WAC 132A-280-026 Access to education records—Limitations on access. (1) Peninsula College shall not make available to a student the following types of materials:

(a) The financial records of the student's parents or any information contained therein.

(b) Letters or statements of recommendation, evaluations, or comments provided to the college in express or implied confidence prior to January 1, 1975, provided that such letters or statements shall not be used for purposes other than those for which they were originally intended.

(c) If a student has signed a waiver of his or her right of access in accordance with subsection (2) of this section, confidential records relating to the following:

(i) Admission to any educational agency or institution;

(ii) An application for employment; or

(iii) The receipt of an honor or honorary recognition.

(2) Students and other people applying for admission to the college may waive their right of access to the type of confidential records referred to in subsection (1)(c) of this section. Such waiver shall apply only if the student is, upon request, notified of the names of all persons making confidential recommendations, and such recommendations are used solely for the specific purpose for which the waiver has been granted. The college is not allowed to require such waivers as a condition for admissions, receipt of financial aid, or receipt of other services or benefits from the college.

(3) If any material or document in the education record of a student includes information concerning more than one student, the student shall only have the right either to inspect and review that portion of the material or document which relates to him or herself or to be informed of the specific information contained in that portion of the material or document.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-280-026, filed 7/20/99, effective 8/20/99.]

WAC 132A-280-031 Right to copy education records. (1) The director of registration shall, at the request of a student, provide the student with copies of the student's education records. The fees for providing such copies shall not exceed the actual cost to the college of providing the copies.

(2) The college shall not provide to students official copies of transcripts from other educational institutions, such as high school or other college transcripts.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-280-031, filed 7/20/99, effective 8/20/99.]

WAC 132A-280-035 Request for explanation or interpretation of record. The director of registration shall respond to reasonable requests for explanation or interpretation of the contents of student education records.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-280-035, filed 7/20/99, effective 8/20/99.]

WAC 132A-280-040 Challenges—To content of education records, release of education records, or denial of access to education records. (1) Students who believe that inaccurate, misleading, or otherwise inappropriate data is contained within their education records shall be permitted to have included within the records a written explanation by the student concerning the content of the records.

(2) A student shall have the right, in accordance with the procedures set forth in WAC 132A-280-045 and 132A-280-050, to:

(a) Challenge the content of education records in order to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the students;

(b) Have the opportunity to correct or delete inaccurate, misleading, or otherwise inappropriate data contained within education records;

(c) Challenge the release of education records to specific persons as contrary to the provisions of this chapter; and

(d) Challenge a decision by the college to deny the student access to particular types of records.

(3) A student shall not be permitted under this chapter to challenge the validity of grades given in academic courses, except on the grounds that, as a result of clerical error, the student's record fails to accurately reflect the grade actually assigned by an instructor.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-280-040, filed 7/20/99, effective 8/20/99.]

WAC 132A-280-045 Challenges—Informal proceedings. A student wishing to exercise the rights set forth in WAC 132A-280-040(2) shall first discuss with the director of registration the nature of the corrective action sought by the student. Failing resolution, the student may seek formal corrective action under WAC 132A-280-050.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-280-045, filed 7/20/99, effective 8/20/99.]

WAC 132A-280-050 Challenges—Hearing before grievance review committee. (1) If informal proceedings fail to resolve the complaint of a student, the student may file

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with the director of registration a written request for a hearing before the grievance review committee of the college.

(2) Within a reasonable time after submission of a request for hearing, the grievance review committee shall conduct a hearing concerning the student's request for corrective action. The student and the college shall be given a full opportunity to present relevant evidence at the hearing before the student rights and responsibilities committee.

(3) If a student demonstrates that his or her education records are inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the student rights and responsibilities committee shall have authority to order the correction or deletion of inaccurate, misleading, or otherwise inappropriate data contained in the records.

(4) If a student demonstrates that the release of his or her education records would be improper under this chapter, the student rights and responsibilities committee shall have authority to order that the records not be released.

(5) If a student demonstrates that he or she is entitled to access particular documents under this chapter, the student rights and responsibilities committee shall have authority to order that the student be permitted access to the records.

(6) The decision of the student rights and responsibilities committee shall be rendered in writing within a reasonable period of time after the conclusion of the hearing.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-280-050, filed 7/20/99, effective 8/20/99.]

WAC 132A-280-055 Release of personally identifiable information or education records. The college shall not permit access to or release of a student's education records or personally identifiable information contained therein to any person without the written consent of the student, except as provided in WAC 132A-280-065, 132A-280-070, or 132A-280-075.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-280-055, filed 7/20/99, effective 8/20/99.]

WAC 132A-280-060 Release of personally identifiable information or education records—Nature of consent required. Where the consent of a student is required under WAC 132A-280-055 for the release of education records or personally identifiable materials contained therein, the student's consent shall be in writing, shall be signed and dated by the student, and shall include a specification of the records to be released, the reasons for such release, and the names of the parties to whom the records may be released.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-280-060, filed 7/20/99, effective 8/20/99.]

WAC 132A-280-065 Release of personally identifiable information or education records—Exceptions to consent requirement. (1) The college may permit access to or release of a student's education records or personally identifiable information contained therein to the following parties without the written consent of the student:

(a) College officials, including faculty members, when the information is required for a legitimate educational purpose within the scope of the recipient's official responsibility.

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ties with the college and will be used only in connection with the performance of those responsibilities;

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

(c) Agencies or organizations requesting information in connection with a student's application for, or receipt of, financial aid;

(d) Organizations conducting studies for or on behalf of the college for purposes of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if such studies are conducted in a manner which will not permit the personal identification of students by persons other than representatives of such organizations. The information shall 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 authorized by judicial order or lawfully issued subpoena to receive such records or information, upon condition that the student is notified of all such orders or subpoenas in advance of compliance therewith by the college. Any college employee or official receiving a subpoena or judicial order for education records or personally identifiable information contained therein shall immediately notify the assistant attorney general representing the college;

(g) An alleged victim of any crime of violence (as defined in 18 U.S.C. § 16), so long as the information disclosed is the result of a disciplinary proceeding for the crime conducted by the college against the alleged perpetrator.

(2) Release to third parties, with or without the student's consent, of education records of a student, or personally identifiable information contained therein, shall be conditioned upon a written agreement indicating that the information cannot subsequently be released in a personally identifiable form to any other party without the written consent of the student involved.

(3) The college shall maintain a record, kept with the education records of each student, indicating all parties, other than those parties specified in subsection (1)(a) of this section, who have requested or obtained access to the student's education records, and indicating the legitimate interest that each such party has in obtaining the records or information contained therein. This record of access shall be available only to the student, to the employees of the college responsible for maintaining the records, and to the parties identified under subsection (1)(a) and (c) of this section.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-280-065, filed 7/20/99, effective 8/20/99.]

WAC 132A-280-070 Release of information in emergencies. (1) The director of registration or that person's designee may, without the consent of a student, release the stu-

dent's education records or personally identifiable information contained therein to appropriate parties in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

(2) The following factors should be taken into consideration in determining whether records may be released under this section:

(a) The seriousness of the threat to the health or safety of the student or other persons;

(b) The need for personally identifiable information concerning the student to meet the emergency;

(c) Whether the parties to whom the records or information are released are in a position to deal with the emergency; and

(d) The extent to which time is of the essence in dealing with the emergency.

(3) If the college, pursuant to subsection (1) of this section, releases personally identifiable information concerning a student without the student's consent, the college shall notify the student as soon as possible of the identity of the parties to whom the records or information have been released and of the reasons for the release.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-280-070, filed 7/20/99, effective 8/20/99.]

WAC 132A-280-075 Directory information. (1) The college may release "directory information" concerning a student to the public unless the student requests in writing of the director of registration that the student's directory information not be released except as provided in WAC 132A-280-055, 132A-280-065, or 132A-280-070.

(2) Peninsula College has designated the following items as directory information: Student name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous school attended, and photograph.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-280-075, filed 7/20/99, effective 8/20/99.]

WAC 132A-280-080 Destruction of student records. Except as otherwise provided by law, the college shall not be prevented under this chapter from destroying all or any portion of a student's education records in accordance with established records retention schedules, provided that no education record to which a student has requested access shall be removed or destroyed by the college prior to providing the student with the requested access.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-280-080, filed 7/20/99, effective 8/20/99.]

WAC 132A-280-085 Notification of rights under this chapter. The college shall annually notify students currently in attendance of their rights under this chapter and the Family Educational Rights and Privacy Act.

The notice shall include a statement of the following student rights:

(1) To inspect and review his or her education records;

(2) To request an amendment of the education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;

(3) To allow or deny disclosures of personally identifiable information contained in the student's education records, except to the extent that these regulations and the regulations promulgated pursuant to the Family Educational Rights and Privacy Act allow;

(4) To file a complaint with the United States Department of Education under 34 C.F.R. 99.64 concerning alleged failures by the college to comply with the requirements of the act;

(5) To access information concerning the cost to be charged for reproducing copies of students' records; and

(6) To access a copy of the regulations in this chapter.

The notice shall indicate the places where copies of these regulations are located.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-280-085, filed 7/20/99, effective 8/20/99.]