

# Chapter 132T-90 WAC

## IMPLEMENTATION OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

### **WAC**

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**WAC 132T-90-010 Purpose.** The purpose of this chapter is to comply with the requirements of Public Law 93-380, § 513, of 1974, also annotated as 20 U.S.C.A. 1232, which law represents amendments to the General Education Provisions Act. As indication in the aforesaid law, its purpose is to assure that students attending institutions of higher education such as Walla Walla Community College shall have a right to inspect certain records and files intended for school use or made available to parties outside the college.

[Order 75-5, § 132T-90-010, filed 5/20/75.]

**WAC 132T-90-020 Definitions.** The following definitions shall apply in interpreting these regulations:

(1) "His" when used throughout these regulations shall accomplish reference to both the male and female sexes.

(2) "Education records" means those records, files, documents, and other materials which contain information directly related to a student and are maintained by the college. The definition of "education records," however, does not include any materials used by any college instructor in the course of assessing a student's academic performance, including but not limited to academic grades conferred, essays, tests, written evaluations given during the course of directed studies, and the like, nor materials maintained by the college's counseling center and the college's health services center, or by any other psychologist paraprofessional acting in his or her professional or paraprofessional capacity for the benefit of the college.

(3) "Student" is defined as a person who is currently enrolled or has ever been enrolled in a regularly scheduled class conducted at the college. Regularly scheduled classes shall include those classes occurring during fall, winter, spring, and summer quarters and those classes in which residence credits are conferred at any other location at which the college confers residence credit.

[Order 75-5, § 132T-90-020, filed 5/20/75.]

**WAC 132T-90-030 Right of inspection.** A student or the student's parent shall have a right, subject to the procedural requirements outlined in WAC 132T-90-080 through

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132T-90-100 of these regulations, to inspect any and all education records directly related to him that is intended for school use or is available for parties outside the school or school system. In the case of any education records relating to a student which also include information regarding another student, the responsible college officials shall delete any personally identifiable information relating to the identity of such other student. A parent wishing to obtain information from these education records or to grant consent for the release of these records without consent of the student must submit an affidavit stating that the student is a dependent for income tax purposes.

[Order 78-5, § 132T-90-030, filed 10/24/77; Order 75-5, § 132T-90-030, filed 5/20/75.]

**WAC 132T-90-040 Availability of directory information.** Except as hereinafter provided, the following information contained in a student's education records shall be available to members of the public: Student's name, address, telephone listing, date of birth, participation in officially recognized activities and sports, weight and height of athletic teams, dates of athletic teams, dates of attendance at the college, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Such information shall be deemed "directory information." The college will give public notice to students of the matters contained in the above-designated "directory information" that is available to members of the public at the time the student registers for enrollment in the academic quarter. On the day of such registration each student shall indicate on the college registration form whether he will not consent to the college's release of such directory information to others without his consent.

[Order 75-5, § 132T-90-040, filed 5/20/75.]

**WAC 132T-90-050 Access permitted to college and certain other officials without consent.** (1) The following persons, individuals, agencies, or organizations shall be entitled to access to official records, files, and data of any student, subject to the limitations outlined in subsection (2) of this section, WAC 132T-90-050, without the written consent of the student:

(a) Other school officials, including instructors within the college who have a legitimate educational interest;

(b) Officials of other colleges, schools, or school systems, upon the condition that the student is notified of the transfer and receives a copy of the record if he desires it and has the opportunity to challenge the content of the record, per the procedures outlined in WAC 132T-90-100;

(c) Authorized representatives of the Controller General of the United States, the Secretary of Health, Education and

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Welfare, and administrative head of an education agency as defined in § 409 of Public Law 93-380, or state of Washington educational authorities: Provided, That except when collection of personally identifiable data is specifically authorized by federal law, any data collected by the controller general, the secretary, administrative head of a United States education agency or state educational authorities with respect to individual students shall not include information (including Social Security numbers) which permit the personal identification of such students.

(d) Authorized representatives of the Office of Education at the U.S. Department of Health, Education and Welfare, the Law Enforcement Assistance Administration of the U.S. Department of Justice, the U.S. Veterans Administration, the Bureau of Indian Affairs, the Washington state council on higher education, the Washington state department of social and health services, lending institutions receiving applications from students, or granting to students financial aid, and individual organizations or institutions that provide scholarships to any applicant student when such organizations or individuals make requests for students' education records in connection with a student's application for, or receipt of, financial aid.

(2) The college shall maintain a record, kept with the education records of each student, which will indicate all the agencies or organizations referenced in subparagraphs (1)(b) and (1)(c) of this section, which have requested or obtained access to the student's education records. The college employee who is the custodian charged with the maintenance of such student education records shall further indicate specifically the legitimate interest each such agency or organization has in obtaining this information.

(3) If any of the agencies or organizations described in subparagraphs (1)(b) or (1)(c) of this section, request access to the education records of ten or more students, they may do so on a form provided by the college that indicates the request is being made on a blanket basis. Such form shall also require the agency to identify the legitimate interest the agency has regarding students' education records. The college employee who is the custodian of each student education record requested by an agency or organization referenced in subparagraphs (1)(b) and (1)(c) of this section shall then enter in such education record notice of such agency's or organization's request and the place where the request may be found.

[Order 75-5, § 132T-90-050, filed 5/20/75.]

**WAC 132T-90-060 Distribution of information to others.** The college shall not furnish in any form any personally identifiable information contained in education records directly related to a student to any person, agency, or organization other than those designated in WAC 132T-90-050 unless it first obtains written consent from the student, which written consent also specifically identifies the records to be released, the reasons for such release, and to whom such personally identifiable information is to be released. In the case any such personally identifiable information contained in a student's education records is to be furnished in compliance with a judicial order or pursuant to a lawfully issued subpoena, the college shall notify the student in advance of compliance therewith.

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[Order 75-5, § 132T-90-060, filed 5/20/75.]

**WAC 132T-90-070 Notice of rights given under Family Educational Rights and Privacy Act of 1974.** In accordance with the requirements of the aforesaid federal statute, the college will make its best efforts to notify all students of their rights under this act. Such notification shall be done through the Washington Administrative Code procedures provided for by the Higher Education Administrative Procedure Act, notices accomplished through the Fourth Estate, and such other publications and media that the college deems appropriate.

[Order 75-5, § 132T-90-070, filed 5/20/75.]

**WAC 132T-90-080 Requests for access to student records.** (1) No personally identifiable information relating to a student's education record will be furnished to any person whatsoever unless such person makes a written request to do so and provides to the custodian of such records information sufficient to identify the requesting party as a person who has a right to access to such records. By way of example, and not limitation, a requesting party who identifies himself as a student to whom such record relates must provide a driver's license sufficient to identify such student, college identification card, and any other official identifying document that is sufficient to establish the identity of such student. In the case of any persons in the category of those individuals, persons, agencies or organizations identified in WAC 132T-90-050, no personally identifiable information contained in any student's education record will be disclosed without providing information of the same type and nature as that required of a student plus other information as the custodian of the record deem sufficient to ascertain the official capacity of such requesting party.

[Order 75-5, § 132T-90-080, filed 5/20/75.]

**WAC 132T-90-090 Determination regarding records.** (1) The college reserves the right to determine that a record regarding a student is not an education record or material defined in WAC 132T-90-020 or that the provision of personally identifiable information relating to a student was properly given to an authorized agency per WAC 132T-90-050. Such determination shall be made in writing and may be accomplished in consultation with any of the records officers of the college. For purposes of this chapter the records officer shall be the dean of student services and the director of admissions or the registrar.

[Order 75-5, § 132T-90-090, filed 5/20/75.]

**WAC 132T-90-100 Hearing procedure.** (1) Any person objecting to a denial of a request for any college record relating to a student, or any student who contests whether the transfer of any college record relating to him is permitted under these regulations, may petition for prompt review of such denial or written objection to transfer. Such written request shall:

(a) Be served upon any one of the public records officers who are listed in WAC 132T-90-090;

(b) Demand prompt review; and

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(c) In the case of objection to transfer, specifically reference the party to whom he does not want the record transferred and contain a written statement by the record custodian denying the person's request.

Upon receipt of a proper written objection to transfer of a student record, the college public records officer shall cause such records to not be transferred pending outcome of the hearing proceeding provided for in these regulations.

(2) Within ten days after receipt of the written request by a person petitioning for prompt review of a decision by a custodian of student records, the president of the college or his designee shall consider such petition.

(3) The president or his designee may at the end of the ten day period either meet the objecting party's objection and advise him of the same in writing, or in the alternative, set the matter up for a hearing before a hearing officer designated by the president or the president's designee. Such hearing shall be conducted within thirty days after the objecting party served his objections on the college's public records officer(s) and shall be an informal hearing. The president or his designee shall determine the time and place for such hearing. At the hearing, the objecting party shall further explain and identify his exact purpose for seeking the record he has been denied or why he has lodged objections to transfer of a student record. Failure by the person requesting the review to appear at such informal hearing shall be deemed a waiver of that person's right to insist upon completion of the review of his request.

(4) During the course of the informal hearing conducted by the president, his designee, or by anyone appointed by the president or his designee, the person conducting the hearing shall consider the obligation of the college to fully comply with the Family Educational Rights and Privacy Act, but shall also consider the exemptions provided in the course of these regulations. A record shall be made of the informal hearing by mechanical transcriptions or any other means satisfactory to the college.

(5) Within ten days after the hearing has occurred, the president, or his designee, or the hearing officer appointed to conduct the informal hearing shall provide the objecting party with a written decision, which decision shall be binding upon the college and upon the objecting party.

[Order 75-5, § 132T-90-100, filed 5/20/75.]

**WAC 132T-90-110 Right of students to register objections.** Any student who objects to the accuracy or truthfulness of any information contained in any Walla Walla Community College education records or portions thereof that is related to him may submit to the college's public records officer(s) his written views regarding the same, which written objection shall then be included in such education records provided, however, no student has any right to post his objections to academic grades and have the same appear on his academic transcript.

[Order 75-5, § 132T-90-110, filed 5/20/75.]