



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Community College District VIII

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: April 24, 2002

(2) Purpose: This rule establishes that student records are confidential and can be released only with written permission of the student except for information that is considered to be directory information.

(3) Citation of existing rules affected by this order:

Repealed:  
Amended:  
Suspended:

(4) Statutory authority for adoption: RCW 28B.50.140  
Other Authority: 20 U.S.C. & 1232g; 34 C.F.R. & 99

### PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 02-03-107 on Jan. 22, 2002 (date).  
Describe any changes other than editing from proposed to adopted version: none

### EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes     No    If Yes, explain:

(6) Effective date of rule:

#### Permanent Rules

- 31 days after filing
- Other (specify) \_\_\_\_\_\*

#### Emergency Rules

- Immediately
- Later (specify) \_\_\_\_\_

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

Elise J. Erickson

Signature

Title  
Rules Coordinator

Date  
3/7/02

### CODE REVISER USE ONLY

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APR 26 2002

134

02-10-070

AM  
PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	<u>11</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

## Chapter 132H-410 WAC Family Education Rights and Privacy Act.

### NEW SECTION

**WAC 132H-410-010 Family Education Rights and Privacy Act – General policy.** Bellevue Community College implements policy contained in this chapter in compliance with Public Law 93-380, the Family Educational Rights and Privacy Act of 1974 (“FERPA”). This law establishes that the education records of students attending or having attended the college are confidential and can be released only with written permission of the student. The Family Educational Rights and Privacy Act also authorizes the college to release so-called “directory information” without that prior written permission.

The college has adopted procedures to implement the Family Educational Rights and Privacy Act. Questions pertaining to the procedures and their implementation should be directed to the associate dean of enrollment services.

### NEW SECTION

**WAC 132H-410-020 Definitions.** For the purposes of this policy, the following definitions apply:

- (1) Student. Any person who attends or has attended Bellevue Community College.
- (2) Education records. Any record (in handwriting, print, tapes, film, computer, e-mail, or other medium) maintained by Bellevue Community College or an agent of the college which is directly related to a student, except:
  - (a) A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
  - (b) Records created and maintained by campus security for law enforcement purposes.
  - (c) An employment record of an individual whose employment is not contingent on the fact that he or she is a student (work-study employment is not an exception), provided that the record is used only in relation to the individual’s employment.
  - (d) Records made or maintained by the student health center or the human development center, if the records are used only for treatment of a student and are made available only to those persons providing the treatment
  - (e) Alumni records which only contain information about a student after he or she is no longer in attendance at the college and which information does not relate to the person as a student.

(3) Directory Information. Directory information is that information routinely released without the student’s permission. This includes: name of student, student’s email address, degree or certificate awarded, dates of attendance, athletic statistics, scholarships received, membership or office in BCC student government or honor society, part-time or full-time student status, and previous schools attended.

## NEW SECTION

**132H-410-030 Annual notification of rights.** Bellevue Community College will provide students annual notification of their rights as defined by FERPA by publication in the student handbook and college catalog and by posting information in the student services building.

## NEW SECTION

**132H-410-040 Primary rights of students.** The primary rights of students under FERPA are:

- (1) To inspect and review their education records;
- (2) To request amendment of their education records; and
- (3) To have some control over the disclosure of information from their education records.

## NEW SECTION

**132H-410-050 Inspection of education records.** Students may inspect and review their education records upon written request to the associate dean of enrollment services identifying the record(s) the student wishes to inspect.

The associate dean of enrollment services will make the needed arrangements for access within forty-five days from the receipt of the student's written request. If the requested records are not maintained by the office of the associate dean, then the associate dean shall forward the request to the appropriate college official. If the requested records contain information about more than one student, the student may inspect and review only the records or portions of records which relate to him or her.

## NEW SECTION

**132H-410-060 Limitation on right of access.** Bellevue Community College reserves the right to refuse to permit a student to inspect the following records:

- (1) The financial statement of the student's parents;
- (2) Letters and statements of recommendation for which the student has waived his or her right of access, or which were maintained before January 1, 1975;
- (3) Records connected with an application to attend Bellevue Community College or a component unit of BCC if that application was denied; and
- (4) Those records which are excluded from the FERPA definition of education records.

## NEW SECTION

**132H-410-070 Refusal to provide copies.** Bellevue Community College reserves the right to deny copies of records, including transcripts, not required to be made available by FERPA in any of the following situations:

- (1) The student has an unpaid financial obligation to the college.
- (2) There is an unresolved disciplinary action against the student.

(3) The education record requested is an exam or set of standardized test questions.

## NEW SECTION

**132H-410-080 Types, locations, and custodians of education records.** The following is a list of the types, locations, and custodians of education records the college maintains. The length of time the records are kept is indicated in parentheses. Requests for specific education records should be sent to the custodian and location indicated, at Bellevue Community College, 3000 Landerholm Circle SE, Bellevue, WA, 98007.

Type (retention period)	Location	Custodian
Admissions records (1 year after last date of attendance)	Admissions Office	Associate Dean of Enrollment Services
Cumulative academic transcript (75 years after last date of attendance)	Records Office	Associate Dean of Enrollment Services
Disciplinary records (5 years after resolution of disciplinary action)	Student Services Office	Dean of Student Services
Financial aid records (5 years after last date of attendance)	Financial Aid Office	Director of Financial Aid & Student Employment
Financial records (3 years after last date of attendance)	Finance Office	Director of Finance
Student employment records (1 year after last date of attendance)	Student Employment Office	Director of Financial Aid & Student Employment

## NEW SECTION

**132H-410-090 Disclosure of education records.** The college will disclose information from a student's education records only with the written consent of the student except that records may be disclosed without consent when the disclosure is:

- (1) To school officials who have a legitimate educational interest in the records.
  - (a) A school official is:
    - (i) A person employed by the college in an administrative, supervisory, academic or research, or support staff position, including health center staff.
    - (ii) A person appointed to the board of trustees.
    - (iii) A person employed by or under contract to the college to perform a special task, such as an attorney or auditor.
    - (iv) A person who is employed by campus security.
    - (v) A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks.
  - (b) A school official has a legitimate educational interest if the official is:
    - (i) Performing a task that is specified in his or her position description or contract agreement.
    - (ii) Performing a task related to a student's education.
    - (iii) Performing a task related to the discipline of a student.

(iv) Providing a service or benefit relating to the student or student's family, such as health education, counseling, advising, student employment, financial aid, or other student service related assistance.

(v) Maintaining the safety and security of the campus.

(2) To school officials of another school, upon request by that school, in which a student seeks or intends to enroll.

(3) To certain officials of the U.S. Department of Education, the comptroller general, and to state and local educational authorities, in connection with audit or evaluation of certain state-or federally-supported education programs.

(4) In connection with a student's request for or receipt of financial aid to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.

(5) To state and local officials or authorities if specifically required by a state law that was adopted before November 19, 1974.

(6) To organizations conducting certain studies for or on behalf of the college.

(7) To accrediting organizations to carry out their functions.

(8) To parents of an eligible student who is claimed as a dependent for income tax purposes.

(9) To comply with a judicial order or a lawfully-issued subpoena.

(10) To appropriate parties in a health or safety emergency.

(11) To individuals requesting directory information so designated by the college.

(12) The results of any disciplinary proceeding conducted by the college against an alleged perpetrator of a crime of violence to the alleged victim of that crime.

## NEW SECTION

**132H-410-100 Directory information.** Bellevue Community College designates the following items as directory information, which may be disclosed without the student's prior written consent, unless the student notifies the college to the contrary in writing by September 15 of the academic year:

(1) Name of student

(2) Student's email address

(3) Degree or certificate awarded

(4) Dates of attendance

(5) Athletic statistics

(6) Scholarships received

(7) Membership or office in BCC student government or honor society

(8) Part time or full time student status

(9) Previous schools attended

## NEW SECTION

**132H-410-110 Correction of education records.** Students have the right to ask that records be corrected if they believe those records are inaccurate, misleading, or in violation of their privacy rights. The following procedures are in place for correcting education records.

(1) The student must formally ask the associate dean of enrollment services to amend a record. The request should identify the specific record, the part of the record to be amended, and the reason why the student believes it is inaccurate, misleading, or in violation of his or her privacy rights.

(2) The college decides whether or not to comply with the student's request.

(a) If the college decides that the information is indeed inaccurate, misleading, or in violation of the student's privacy rights, it will amend the record and notify the student in writing that it has done so.

(b) If the college decides to deny the request, the college will notify the student of that decision and advise the student of his or her further rights:

(i) The student has the right to place in the record a statement commenting on the challenged information and/or a statement of the student's reasons for disagreeing with the college's decision. This statement will be maintained as part of the student's education record as long as the contested portion is maintained. If BCC discloses the contested portion of the record, it must also disclose the student's statement.

(ii) The student has the right to request a hearing to challenge the information which the student believed to be inaccurate, misleading, or in violation of privacy rights.

(3) If the student so requests, the college will arrange a hearing and notify the student reasonably in advance of the date, place, and time of the hearing.

(4) The hearing will be conducted by a hearing officer who is a disinterested party. This hearing officer may be a college official. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend an education record. The student may be assisted at the hearing by one or more individuals, including an attorney.

(5) The hearing officer will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.