

Chapter 132K-122 WAC

STUDENTS RECORDS RELEASE POLICY

WAC

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WAC 132K-122-010 General policy. Pierce College desires to insure that information contained in the educational records of its students is treated responsibly with due regard for its personal nature, and for the students', college's, and the community's needs. This chapter implements this general policy and responds to the requirements of Public Law 93-380 (Family Educational Rights and Privacy Act of 1974).

[Statutory Authority: RCW 28B.50.140. WSR 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-122-010, filed 7/11/86; Order 37, § 132K-122-010, filed 9/2/77.]

WAC 132K-122-020 Definitions. For purposes of this chapter, the following terms shall have the definitions shown:

(1) A "student" is any person who is or has been in attendance at Pierce College with respect to whom Pierce College maintains educational records or other information personally identifiable by name, identification number, or other means of recognition.

(2) The term "education records" means those records, files, documents, and other materials maintained by Pierce College which contain information directly related to the individual student. The term does not include:

(a) Records of instructional, supervisory and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker, thereof and which are not accessible to or revealed to any other person except a person appointed to replace or assume responsibilities of the originator of the records on a temporary basis;

(b) Records made and maintained in the normal course of business which relates exclusively to the person's capacity as an employee and which are not available for any other purposes: Provided, That this exception does not extend to records relating to individuals in attendance at Pierce College who are employed as a result of their status as a student;

(c) Records of a student which are created or maintained by a physician, psychiatrist or other officially 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: Provided, however, That such records can be personally reviewed by a physician or other appropriate professional of the student's choice;

(d) Records and/or documents of the Pierce College security office which are kept apart from the educational records and which are maintained solely for law enforcement purposes and which are not made available to persons other than law enforcement officials of the same jurisdiction;

(e) Records which contain only information relating to a person after that person was no longer a student at Pierce College such as those dealing with activities of an alumni leaving Pierce College.

(3) The term "directory information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. Pierce College will annually notify students of the specific information in their education records designated as directory information. Directory information may be disclosed at the discretion of the college and without the consent of the student unless he or she elects to prevent disclosure as provided for in WAC 132K-122-100.

(4) The term "personally identifiable" means data or information which includes: The name of the student, the student's parent(s), or other family members; the address of the student; a personal identifier such as the student's Social Security number or student number; a list of personal characteristics which would make the student's identity easily traceable; telephone number; date of birth; academic/occupational intent; information for participants in officially recognized athletic events; or other information which would make the student's identity easily traceable.

[Statutory Authority: RCW 28B.50.140. WSR 01-11-068, § 132K-122-020, filed 5/14/01, effective 6/14/01; WSR 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-122-020, filed 7/11/86; Order 37, § 132K-122-020, filed 9/2/77.]

WAC 132K-122-030 Type and location of education records. Pierce College maintains, as student education records, records of the following general types: Academic, financial, counseling, personnel and placement records. For purposes of this chapter, these records are under the control of the college registrar who is located in the administration building and whose telephone number is 552-3983.

[Statutory Authority: RCW 28B.50.140. WSR 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-122-030, filed 7/11/86; Order 37, § 132K-122-030, filed 9/2/77.]

WAC 132K-122-040 The right to inspect and view records. (1) Pierce College students shall have the right to review and inspect their education records.

(2) A request by a student for a review of information contained in a student's education records should be made in writing to the Pierce College registrar who shall require pre-

sentation of proper identification including validation of identity by way of the student's identification card and/or signatures of the requesting student.

(3) The registrar must respond to a request for inspection and review of education records within a reasonable period of time but in no case more than forty-five days after the request has been made.

(4) Pierce College shall respond within thirty days of receipt of a reasonable student request for explanation and interpretation of the student's education records provided that such requests are in writing and signed by the requesting student and specific as to the portion or portions of the education records thought to be interpreted and explained.

(5) After reviewing his or her records, a student may request an amendment of the records if the student believes them to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student. The college shall, within thirty days after receipt of a written request for correction or deletion of information contained in the records signed by the student and specific as to the information to be deleted or corrected, inform the student of whether the request is accepted or denied. If the request for correction or deletion of inaccurate or misleading or otherwise inappropriate data has been denied, the student may seek redress through the hearing procedures provided for below and may place a written statement of rebuttal in his or her records.

[Statutory Authority: RCW 28B.50.140. WSR 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-122-040, filed 7/11/86; Order 37, § 132K-122-040, filed 9/2/77.]

WAC 132K-122-050 Limits on rights to review and inspect educational records. (1) There is no right to review and inspect a parent's confidential financial statements or records or any information contained therein;

(2) Confidential letters and confidential statements of recommendation shall be made available for inspection and review by the student except that:

(a) Inspection and review of such letters and statements placed in the education records prior to January 1, 1975, which were solicited with a written assurance of confidentiality or sent and retained with a documented understanding of confidentiality and which are used only for their specifically intended purposes shall not be permitted;

(b) Inspection and review of such letters and statements placed in the education records after January 1, 1975, shall not be permitted where the letters and statements relate to

- (i) Admission to an educational institution;
- (ii) An application for employment;
- (iii) The receipt of an honor or honorary recognition

and where the student has waived his or her rights to inspection or review of such letters and statements as provided for in WAC [132K-122-040].

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

(4) The registrar is the official custodian of academic records and therefore the only official who may issue the transcript of the student's official academic records or prepare other copies of student's records on file in the registrar's office.

(5) Student education records may be destroyed in accordance with routine retention schedules. In no case will any record which is requested by a student for review in accordance with WAC [132K-122-040] and [132K-122-090] be removed or destroyed prior to informing the student and if requested providing the student access.

[Order 37, § 132K-122-050, filed 9/2/77.]

WAC 132K-122-060 Hearing procedures. (1) A student whose request for amendment of his or her educational records has been denied may request a hearing by submitting a written request to the registrar within 10 days following the denial. The request shall be in writing, signed by the student, and shall indicate the reasons why the records should be amended. The registrar shall, within 30 days after receipt of a properly filed request, notify the student at least 10 days in advance of the date, time, and place of the hearing.

(2) The hearing shall be an informal proceeding as provided for by chapter 28B.19 RCW, the Higher Education Administrative Procedure Act and shall be conducted by the dean of students (or his designee who shall be an official of the college who does not have a direct interest in the outcome of the hearing). At the hearing, the student shall be afforded an opportunity to present evidence relevant to the question of whether the educational records sought to be amended are inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

(3) At the hearing, the student may be assisted or represented by individuals of his or her choice and at his or her own expense.

(4) The dean of students or his designee shall, within 30 days after the conclusion of the hearing, prepare a final written decision on this request based solely upon the evidence presented at the hearing. The decision shall include a summary of the evidence and the reasons for the decision. A copy of the final decision shall be made available to the student.

(5) If, as a result of the hearing, the dean of students or his designee decides that the information alleged by the student to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student is in fact so inaccurate, misleading, and violative, he or she shall amend the education records accordingly and so inform the student in writing. If, on the other hand, the dean of students or his designee decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, he or she shall inform the student of his or her right to place in the education records a statement commenting upon the information and/or setting forth any reasons for disagreeing with the decisions of the college. A rebuttal statement inserted into the education records shall become a permanent part of the records and it shall be provided to all persons to whom the information which is subject of the rebuttal is thereafter disclosed.

[Order 37, § 132K-122-060, filed 9/2/77.]

WAC 132K-122-070 Disclosure of personally identifiable information contained in a student's education records. (1) The college shall obtain written consent of a student prior to disclosing personally identifiable information other than directory information defined by this chapter from

the student's education records: Provided, That consent shall not be required where the disclosure to the student himself or herself: And provided further, That consent shall not be required if the disclosure is

(a) To other officials and teachers within the college having a legitimate educational interest in the education records. For purposes of this section, a college official or teacher shall be said to have a legitimate educational interest whenever he or she

(i) Is acting pursuant to a lawfully established rule policy or procedure, or

(ii) Acting in the educational interest of the student, or

(iii) Requires disclosure in order to provide educational services to the student.

Those having a legitimate education interest shall include but not be limited to the following personnel when acting in their official capacity: The office of the registrar, the office of admissions, the office of financial aid, and the office of the controller.

(b) To officials of another school or school system which the student is enrolled or from which he or she receives educational services or a school or school system in which the student seeks or intends to enroll provided that the records have been requested by officials of the other school or another student.

(2) Following the disclosure of information pursuant to this section, the college shall:

(a) Provide the student upon request with a copy of any educational records which are transferred to another school.

(b) Provide the student upon request with an opportunity for hearing as provided for in WAC [132K-122-060].

(c) To authorized representatives of the Comptroller General of the United States Secretary of the United States Department of Health, Education, and Welfare; the Commissioner of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, or state educational authorities, wherever access to the education records is necessary in connection with the audit and evaluation of federally supported education programs or in connection with the enforcement of or in compliance with the federal legal requirements which related to these programs.

(3) In connection with financial aid for which a student has applied or which a student has received: Provided, That personally identifiable information from the education records of the student may be disclosed under this section only as may be necessary for such purposes as

(a) To determine the eligibility of the student for financial aid;

(b) To determine the amount of financial aid;

(c) To determine the conditions which will be imposed regarding the financial aid;

(d) To enforce the terms or conditions of the financial aid.

(4) To certain state and local agencies to whom information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974.

(5) To organizations conducting studies for or on behalf of educational agencies or institutions for the purpose of developing validating or administering predictive tests, administering student aid programs and improving instruction.

(6) To accrediting organization in order to carry out their accrediting function.

(7) To the parents of a dependent student as defined by section 152 of the Internal Revenue Code of 1954.

(8) To comply with the judicial order or lawfully issued subpoena.

(9) To appropriate parties in connection with a health or safety emergency where knowledge of the information is necessary to protect the health or safety of the student or other individuals.

[Order 37, § 132K-122-070, filed 9/2/77.]

WAC 132K-122-080 Prior consent to disclosure and waiver of student rights. (1) The written consent required in WAC 132K-122-070 above shall be signed and dated by the student and shall include:

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

(b) The purpose or purposes of the disclosure;

(c) The party or class of parties to whom the disclosure may be made.

(2) A student may waive any of his or her rights under this chapter by submitting a written, signed and dated waiver to the officer of the registrar. Such a waiver shall be specific as to the records and persons or institutions covered. A waiver shall continue in effect according to its terms unless revoked in writing which is signed and dated.

[Statutory Authority: RCW 28B.50.140. WSR 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-122-080, filed 7/11/86; Order 37, § 132K-122-080, filed 9/2/77.]

WAC 132K-122-090 Maintenance of records. A record of requests for and disclosures of personally identifiable information shall be maintained in the education records of each student. Records maintained under this section shall be available for inspection and review as provided in WAC [132K-122-040].

[Order 37, § 132K-122-090, filed 9/2/77.]

WAC 132K-122-100 Prevention of the disclosure of directory information. A student may refuse to permit the disclosure of directory information as defined by WAC 132K-122-020(3) by filing a request to prevent disclosure of directory information with the registrar's office by the tenth day of the quarter (eighth day for summer quarter). The request for nondisclosure of directory information will remain in effect until the student notifies the registrar's office, in writing, to cancel it.

[Statutory Authority: RCW 28B.50.140. WSR 01-11-067, § 132K-122-100, filed 5/14/01, effective 6/14/01; WSR 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-122-100, filed 7/11/86; Order 37, § 132K-122-100, filed 9/2/77.]

WAC 132K-122-110 Fees for copies. Copies of student records shall be made at the expense of the requesting party at prevailing rates not to exceed \$1.00 per page.

[Order 37, § 132K-122-110, filed 9/2/77.]

WAC 132K-122-120 Denial of copies of education records. Pierce College reserves the right to deny a request for a copy of all or any portion of the student education

records where the student is indebted to the institution for an outstanding or overdue debt.

[Statutory Authority: RCW 28B.50.140. WSR 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-122-120, filed 7/11/86; Order 37, § 132K-122-120, filed 9/2/77.]

WAC 132K-122-130 Notice of rights. In order to insure that Pierce College students are fully apprised of their rights under this chapter, the college shall at the beginning of each academic year make available upon request to each student during the registration process a copy of this chapter. In addition, the college shall post at conspicuous places on the campus information the students of the existence of this chapter and of the availability of copies.

[Statutory Authority: RCW 28B.50.140. WSR 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-122-130, filed 7/11/86; Order 37, § 132K-122-130, filed 9/2/77.]