

# Chapter 495D-280 WAC

## FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

495D-280-070	Disclosure of directory information. [Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-280-070, filed 7/16/92, effective 8/16/92.] Repealed by WSR 00-20-007, filed 9/22/00, effective 10/23/00. Statutory Authority: CR-102 [RCW 28B.50.140].
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**WAC 495D-280-010 Family Educational Rights and Privacy Act—General policy.** Lake Washington Institute of Technology implements the policy contained in this chapter in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and its implementing regulation (34 C.F.R. § 99). Briefly, Lake Washington Institute of Technology 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: RCW 28B.50.140(13). WSR 11-19-083, § 495D-280-010, filed 9/20/11, effective 10/21/11. Statutory Authority: CR-102 [RCW 28B.50.140]. WSR 00-20-007, § 495D-280-010, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-280-010, filed 7/16/92, effective 8/16/92.]

**WAC 495D-280-015 Family Educational Rights and Privacy Act—Definitions.** For the purposes of this policy, the following definitions apply:

(1) "Student" means any individual who is or has been in attendance at Lake Washington Institute of Technology and for whom the college maintains education records. A person no longer in attendance at the college is no longer a current student, but his or her educational records remain covered by the Family Educational Rights and Privacy Act.

(2) "Education records" are those records, files, and documents (in handwriting, print, tapes, film, microfiche, or other medium) maintained by the college that 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 certificate or degree 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 that is maintained by the student government office.

(f) Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

(3) "Personally identifiable" means the following information about students or family members:

(a) Student information:

(i) Name;

(ii) Address;

(iii) Telephone numbers;

(iv) E-mail address;

(v) Date and place of birth;

(vi) Level of education;

(vii) Academic major;

(viii) Degrees, certificates, and awards received;

(ix) Eligibility for and participation in officially recognized college activities and organizations;

(x) Dates of attendance;

(xi) Educational institution in which the student most recently was enrolled;

(xii) Full-time or part-time status;

(xiii) Grades;

(xiv) Test scores;

(xv) Medical records;

(xvi) Specific dates and places of classes in which enrolled;

(xvii) Personal identifiers such as Social Security number or college student identification numbers;

(xviii) Other personally identifying characteristics which would make the student's identity easily traceable;

(xix) Photograph.

(b) Family information:

(i) Names of parents or other family members;

(ii) Parents or other family members' addresses.

(4) "Directory information" includes the following student information:

- (a) Name;
- (b) Academic major;
- (c) Degrees, certificates, and awards received;
- (d) Eligibility for and participation in official activities and organizations;
- (e) Dates of attendance;
- (f) Full-time or part-time status.
- (5) "Solomon amendment" information is student information provided to military recruiters for recruitment purposes in accordance with federal statute, and includes the following:

- (a) Name;
- (b) Address;
- (c) Telephone numbers;
- (d) Date and place of birth;
- (e) Level of education;
- (f) Academic major;
- (g) Degrees, certificates, and awards received;
- (h) Educational institution in which the student most recently was enrolled.

(6) "Written consent" means a written authorization for disclosure of student education records which is signed by the student (or parent if the student is under the age of eighteen and is attending Lake Washington Technical Academy), dated, specifying the records to be disclosed, and specifies to whom disclosure is authorized.

[Statutory Authority: RCW 28B.50.140(13). WSR 11-19-083, § 495D-280-015, filed 9/20/11, effective 10/21/11. Statutory Authority: CR-102 [RCW 28B.50.140]. WSR 00-20-007, § 495D-280-015, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-280-015, filed 7/16/92, effective 8/16/92.]

**WAC 495D-280-020 Family Educational Rights and Privacy Act—Annual notification of rights.** Lake Washington Institute of Technology will notify students of their rights under the Family Educational Rights and Privacy Act of 1974 by publication in the college catalog and quarterly schedule of courses. The college shall make available upon request a copy of the policy governing release of student records. In addition, the college shall post at conspicuous places on the campus information regarding the existence of this policy and of the availability of copies.

[Statutory Authority: RCW 28B.50.140(13). WSR 11-19-083, § 495D-280-020, filed 9/20/11, effective 10/21/11. Statutory Authority: CR-102 [RCW 28B.50.140]. WSR 00-20-007, § 495D-280-020, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-280-020, filed 7/16/92, effective 8/16/92.]

**WAC 495D-280-030 Family Educational Rights and Privacy Act—Procedure to inspect education records.** (1) Students may inspect and review their education records upon request to the appropriate college official as designated in WAC 495D-280-110.

(2) Students must submit to the appropriate college official a written request that identifies as precisely as possible the record or records he or she wishes to inspect.

(3) The appropriate college official will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in forty-five days or less from the receipt of the request.

[Statutory Authority: CR-102 [RCW 28B.50.140]. WSR 00-20-007, § 495D-280-030, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-280-030, filed 7/16/92, effective 8/16/92.]

**WAC 495D-280-040 Family Educational Rights and Privacy Act—Disclosure of education records.** (1) The college may, at its discretion, make disclosures from education records of students to the following listed parties:

(a) College officials including college administrative and clerical staff, faculty, and students officially elected or appointed to the associated student government of Lake Washington Institute of Technology or employed by the college, including contractors such as the National Student Loan Clearinghouse;

(b) To officials of another school in which the student seeks or intends to enroll;

(c) To authorized federal, state, or local officials as required by law;

(d) In connection with financial aid for which the student has applied or received;

(e) To appropriate parties in a health or safety emergency;

(f) To accrediting organizations to carry out their functions;

(g) The disclosure is to parents, as defined in Section 99.3, of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1986.

(h) To parents of an eligible student who claim the student as a dependent for income tax purposes;

(i) To comply with a judicial order or a lawfully issued subpoena;

(j) To military recruiters authorized to obtain specific information under the Solomon Amendment;

(k) To a victim of an alleged perpetrator of a crime of violence or a nonforcible sex offense.

(2) The college shall not permit access to or the release of education records or personally identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than those listed in subsection (1) of this section.

(3) "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. Students who wish to prevent disclosure will file a written request with the registrar. The request continues in effect according to its terms unless revoked in writing by the student.

(4) "Solomon Amendment" information, as defined in 7.P.23, may be released to military recruiters authorized to obtain specific information for recruitment purposes. Release of this information applies to students seventeen years and older and does not apply to students with previous military experience or to students who have filed a request to prevent disclosure of "directory information."

(5) "Personally identifiable" information, other than that defined as "releasable," "directory information," or "Solomon Amendment" information shall not be released, except as specifically requested by the student (or parents in the case of Lake Washington Technical Academy students under the age of eighteen).

[Statutory Authority: RCW 28B.50.140(13). WSR 11-19-083, § 495D-280-040, filed 9/20/11, effective 10/21/11. Statutory Authority: CR-102 [RCW 28B.50.140]. WSR 00-20-007, § 495D-280-040, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-280-040, filed 7/16/92, effective 8/16/92.]

**WAC 495D-280-050 Family Educational Rights and Privacy Act—Limits on rights to review and inspect and obtain copies of education records.** (1) When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

(2) Lake Washington Institute of Technology reserves the right to refuse to permit a student to inspect the following records:

- (a) The financial statement of the student's parents;
- (b) Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975;
- (c) Records connected with an application to attend Lake Washington Institute of Technology if that application was denied; and
- (d) Those records which are excluded from the Federal Rights and Privacy Act definition of education records, and not otherwise available for inspection under the Washington Public Records Act, chapter 42.17 RCW.

(3) Lake Washington Institute of Technology reserves the right to deny transcripts or copies of records not required to be made available by the Federal Educational Rights and Privacy Act in any of the following situations:

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

[Statutory Authority: RCW 28B.50.140(13). WSR 11-19-083, § 495D-280-050, filed 9/20/11, effective 10/21/11. Statutory Authority: CR-102 [RCW 28B.50.140]. WSR 00-20-007, § 495D-280-050, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-280-050, filed 7/16/92, effective 8/16/92.]

**WAC 495D-280-060 Family Educational Rights and Privacy Act—Record of request and disclosures.** (1) The college shall maintain a record of requests for and disclosures of personally-identifiable information in the education records of each student. The record maintained under this section shall be available for inspection and review as provided in WAC 495D-280-050.

(2) The college shall maintain the record with the education records of the student as long as the records are maintained.

(3) The record must include:

- (a) The names of parties who have received personally identifiable information;
- (b) The interest the parties had in requesting or obtaining the information; and
- (c) The names and interests of additional parties to which the reviewing educational agency or institution may disclose or redisclose the information.

(4) The following parties may inspect the record of requests and disclosures relating to a student:

- (a) The student;

(b) The college officials who are responsible for the custody of the records; and

(c) Persons authorized to audit the recordkeeping procedures of the college.

(5) The college is not required to maintain a record if the request was from, or the disclosure was to:

- (a) The student;
- (b) A school official;
- (c) A party with written consent from the student;
- (d) A party seeking directory information; or
- (e) A school official, or an entity which qualifies as an employee of the college (e.g., National Student Loan Clearinghouse).

[Statutory Authority: CR-102 [RCW 28B.50.140]. WSR 00-20-007, § 495D-280-060, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-280-060, filed 7/16/92, effective 8/16/92.]

**WAC 495D-280-080 Family Educational Rights and Privacy Act—Requests for corrections, hearings, adding statements to education records.** Students have the right to request to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

(1) A student must submit a written request to amend his or her education record to the appropriate college official responsible for the custody of the record as designated in WAC 495D-280-110. The request must identify the part of the record he/she wants changed and specify why the record is believed to be inaccurate, misleading or in violation of his or her privacy or other rights.

(2) A student whose request for amendment of his or her education record has been denied may request a hearing by submitting a written request to the vice-president of student services or designee within ten days following the denial. The written request must be signed by the student and shall indicate the reasons why the records should be amended. The vice-president of student services or designee shall notify the student of the hearing within thirty days after receipt of a properly filed request. In no case will the notification be less than ten days in advance of the date, time, and place of the hearing.

(3) The hearing shall be a brief adjudicative proceeding as provided in RCW 34.05.482 and 34.05.485 through 34.05.494 and shall be conducted by the vice-president of student services or designee. At the hearing, the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. One or more individuals may assist the student, including an attorney.

(4) The vice-president of student services or designee will prepare a written decision, within thirty days after the conclusion of the hearing, 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. A copy of the decision shall be made available to the student, based on the student's evidence presented at the hearing.

(5) If the vice-president of student services or designee decides the information is inaccurate, misleading, or in violation of the student's right of privacy, the custodian of the

record will amend the record and notify the student, in writing, that the record has been amended.

(6) If the vice-president of student services or designee decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the student will be notified in writing that the student has a right to place in the record a rebuttal statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

(7) The student's rebuttal statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the contested portion of the education record is disclosed, the statement will also be disclosed.

[Statutory Authority: CR-102 [RCW 28B.50.140]. WSR 00-20-007, § 495D-280-080, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-280-080, filed 7/16/92, effective 8/16/92.]

**WAC 495D-280-090 Family Educational Rights and Privacy Act—Fees for copies.** Copies of student records shall be made at the expense of the requesting party at the appropriate cost as determined by college procedure.

[Statutory Authority: CR-102 [RCW 28B.50.140]. WSR 00-20-007, § 495D-280-090, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-280-090, filed 7/16/92, effective 8/16/92.]

**WAC 495D-280-100 Family Educational Rights and Privacy Act—Waiver.** A student may waive any of his or her rights under this chapter by submitting a written, signed, and dated waiver to the admissions and registration office. Such a waiver shall be specific as to the records and persons or institutions covered. A waiver continues in effect according to its terms unless revoked in writing which is signed and dated.

[Statutory Authority: CR-102 [RCW 28B.50.140]. WSR 00-20-007, § 495D-280-100, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-280-100, filed 7/16/92, effective 8/16/92.]

**WAC 495D-280-110 Family Educational Rights and Privacy Act—Type and location of education records.**

Types	Location	Custodian
Admission, Testing Records	Admissions Office	Registrar
Cumulative Academic and Registration Records	Registration Office	Registrar
Payment of Tuition Records	Accounting Office	Director of Accounting Services
Student Government Participation Records	Associated Student Government Office	Secretary
Financial Aid, Student Employment Records	Financial Aid Office	Director of Financial Aid

[Statutory Authority: CR-102 [RCW 28B.50.140]. WSR 00-20-007, § 495D-280-110, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-280-110, filed 7/16/92, effective 8/16/92.]

**WAC 495D-280-120 Family Educational Rights and Privacy Act—Remedy for students protected by this act.** A student may file a written complaint with the United States

Department of Education regarding an alleged violation of the Federal Education Rights and Privacy Act. The address is:

Family Policy and Compliance Office  
U.S. Department of Education  
400 Maryland Avenue S.W.  
Washington, D.C. 20202

[Statutory Authority: CR-102 [RCW 28B.50.140]. WSR 00-20-007, § 495D-280-120, filed 9/22/00, effective 10/23/00. Statutory Authority: RCW 28B.50.140. WSR 92-15-081, § 495D-280-120, filed 7/16/92, effective 8/16/92.]