

WSR 22-15-012  
PROPOSED RULES

## EVERETT COMMUNITY COLLEGE

[Filed July 7, 2022, 3:25 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-13-024.

Title of Rule and Other Identifying Information: Chapter 132T-90 WAC, Implementation of the Family Rights and Privacy Act [FERPA] of 1974. Directory information, WAC 132E-122-130 Disclosure of student information.

Hearing Location(s): On September 20, 2022, at 5:00 p.m., at EvCC Jackson Conference Center.

Date of Intended Adoption: September 20, 2022.

Submit Written Comments to: Sindie Howland, 2000 Tower Street, Everett, WA 98201, email showland@everettcc.edu.

Assistance for Persons with Disabilities: Contact Sindie Howland, phone 425-388-8280, email showland@everettcc.edu.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Washington state community college state system has defined and approved a uniform FERPA directory information policy. This policy will provide students across the state attending community colleges a uniform directly information policy, for ease of understanding across the state.

Reasons Supporting Proposal: FERPA (20 U.S.C. § 1232g; 34 C.F.R. Part 99) is a federal law that protects the privacy of student education records. Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance.

Statutory Authority for Adoption: RCW 28B.50.140; chapters 34.05 and 42.56 RCW. Washington Higher Education Administrative Procedure Act, FERPA (20 U.S.C. § 1232g) and its implementing regulation (34 C.F.R. § 99).

Statute Being Implemented: All policies, procedures and presidential directives will be updated to align with any substantive changes in applicable state and federal law. Any changes will be drafted and approved as follows: Policies - president, VP staff, and board of trustees. President, VP staff, and board of trustees approved new rule.

Rule is necessary because of federal law, rule is necessary because of federal law, FERPA (20 U.S.C. § 1232g) and its implementing regulation (34 C.F.R. § 99).

Name of Proponent: Everett Community College, governmental.

Name of Agency Personnel Responsible for Drafting: Rita Belvill, 2000 Tower Street, Everett, WA 98201, 425-388-9202; Implementation and Enforcement: Office of the President, Everett Community College, 425-388-9573.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal: Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master pro-

grams other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule; rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect; and rule content is explicitly and specifically dictated by statute.

July 7, 2022  
Rita Belvill  
Executive Assistant  
to the President

### OTS-3882.1

AMENDATORY SECTION (Amending WSR 18-01-119, filed 12/19/17, effective 1/19/18)

**WAC 132E-122-130 Disclosure of student information.** (1) Unless the student has provided the office of enrollment services with written notice which specifically requests otherwise, designated officials of the college may routinely respond to requests for the following directory information about a student:

- (a) Student's name;
- (b) Major field of study;
- (c) ~~((Extracurricular activities;~~
- ~~(d) Height and weight of athletic team members;~~
- ~~(e) Quarters of attendance;~~
- ~~(f) Degrees and awards received;~~
- ~~(g) The most recent previous educational agency or institutions attended;~~

- ~~(h) Date of birth;~~
- ~~(i) Email address;~~
- ~~(j) Student enrollment status.~~
- ~~(2) Recognized college student organizations, such as scholastic and service clubs, may obtain information relating to a student's academic record and status; requests of this nature are handled on an individual basis and only through the organization's appointed advisor.)~~ Dates of attendance;

- (d) Degrees or certificates earned;
- (e) Term degree or certificate awarded;
- (f) Honors;
- (g) Enrollment status;
- (h) Participation in recognized sports.

(2) Pursuant to the National Defense Authorization Act for Fiscal Year 1995, the college must release directory information to military recruiters unless the student specifically denies permission. The college shares selected records with organizations with which the college has contractual agreements for services. The college may also release enrollment data for loan processing, enrollment and degree verification, and records archiving purposes through contractual agreements, and to other schools in which a student seeks or intends to enroll.

The college releases Social Security and enrollment data to the Federal Government for Financial Aid and Veterans' eligibility evaluation and for Hope Scholarship/Lifetime Learning tax credit programs. The college may release records following a receipt of a lawfully issued subpoena, attempting to notify the student beforehand. The college does not disclose records to family members without student consent.

(3) No other information is to be given without the prior consent of the student or parent/guardian as appropriate. The college registrar or their designee will be responsible for reviewing unusual requests for information and assistance in the interpretation of the provisions of the Federal Family Educational Rights and Privacy Act (Buckley Amendment). See Family Educational Rights and Privacy Act of 1974 in the student handbook for more information on confidentiality of student information and records.

[Statutory Authority: RCW 28B.50.140. WSR 18-01-119, § 132E-122-130, filed 12/19/17, effective 1/19/18.]