

WSR 21-18-103
PROPOSED RULES
COMMUNITY COLLEGES
OF SPOKANE

[Filed August 31, 2021, 11:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-13-029.

Title of Rule and Other Identifying Information: Definitions, WAC 132Q-02-340.

Hearing Location(s): On October 19, 2021, at 9:00 a.m., at Spokane Falls Community College, Pullman Campus, 185 Veterans Way, Pullman, WA 99164; or virtual meeting option, join Zoom meeting <https://ccs-spokane.zoom.us/j/87312545798?pwd=b2xCWEhSM0gyMWpzb2FjbkpzallyQT09&from=addon>, Meeting ID 873 1254 5798, Passcode 684622, Mobile US: +1-253-215-8782 or +1-346-248-7799 or +1-669-900-6833 or +1-312-626-6799 or +1-646-558-8656 or +1-301-715-8592. In-person attendees will be required to follow Community Colleges of Spokane (CCS) campus guidelines pertaining to COVID-19.

Date of Intended Adoption: October 19, 2021.

Submit Written Comments to: John O'Rourke, 501 North Riverpoint Boulevard, Mailstop 1006, Spokane, WA 99217-6000, email john.orourke@ccs.spokane.edu, mobile 509-220-4200, by October 14, 2021.

Assistance for Persons with Disabilities: Contact John O'Rourke, phone 509-434-5185, 508-220-4200, fax 509-434-5279, TTY 509-434-5275, email john.orourke@ccs.spokane.edu, mobile 509-220-4200, by October 14, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To conform to the Washington state board for community and technical college's definition of student, "Directory information."

Reasons Supporting Proposal: Consistent statewide definition of student, "Directory information."

Statutory Authority for Adoption: Chapter 34.05 RCW; and RCW 28B.50.140(13).

Statute Being Implemented: FERPA 20 U.S.C. § 1232g; 34 C.F.R. Part 99.

Rule is necessary because of federal law, FERPA 20 U.S.C. § 1232g; 34 C.F.R. Part 99.

Name of Proponent: CCS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Keith Sayles or Glen Cosby, Spokane, Washington, 509-533-3603 or 509-533-7015.

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. CCS is not a listed agency under RCW 34.05.328 and is therefore exempt from this provision.

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 rule content is explicitly and specifically dictated by statute.

August 30, 2021
John O'Rourke
WAC Coordinator

OTS-3306.1

AMENDATORY SECTION (Amending WSR 12-05-104, filed 2/21/12, effective 3/23/12)

WAC 1320-02-340 Definitions. The following definitions shall apply in interpreting these regulations:

(1) Directory information: Information contained in an educational record of a student that would not be generally considered harmful or an invasion of the privacy if disclosed. It includes, but is not limited to: The student's name, major field of study, dates of attendance, (~~grade level,~~) enrollment status (e.g., full-time or part-time), participation in (~~officially~~) recognized sports, (~~weight and height of members of athletic teams, degrees,~~) degree or certificate earned, term degree or certificate awarded, and honors (~~and awards~~) received.

(2) Educational record: Those records, except as provided otherwise in (b) of this subsection, directly related to a student and maintained by the college or a party acting for the college.

(a) Education records include, but are not limited to:

(i) Official transcripts of course taken and grade received; records relating to prior educational experience; and admission records;

(ii) Tuition and payment records;

(iii) Student disciplinary records;

(iv) Course records (e.g., examinations, term papers, essays, etc.);

(v) Employment records based on student status (e.g., work study).

(b) Educational records do not include:

(i) Records of instruction, supervisory, and administrative personnel and educational personnel which are in the sole possession of the originator and which are not accessible or revealed to any other person except a substitute or designee;

(ii) Records created and maintained by campus security for law enforcement purposes;

(iii) In the case of persons who are employed by an educational agency or institution, but who are not in attendance at such agency or institution, records made and maintained in the normal course of business, which relate exclusively to such person's employment, are not available for use for any other purpose;

(iv) Records containing medical or psychological information are not available to anyone other than the individual(s) providing treatment; however, such records may be personally reviewed by a physician or other appropriate professional upon the student's written consent.

(3) Legitimate educational interest: If the information requested by the school official is necessary for the official to perform a task specified in his/her position description or contract agreement including: The performance of a task related to a student's education; the performance of a task related to the discipline of a student; the provision of a service or benefit related to the student or student's family, such as health education, counseling, advising, student employment, financial aid, or other student service related assistance; the maintenance of the safety and security of the campus; and/or the provision of legal assistance regarding a student matter.

(4) Parent: Defined as a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

(5) Personal identifiable information: This includes, but is not limited to: Student's name, the name of the student's parent or other family member; the address of the student or the student's family; a personal identifier such as the student's Social Security number or student identification number; a list of personal characteristics that would make the student's identity easily traceable; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

(6) Record: Any information recorded in any way, including, but not limited to: Handwriting, print, computer media, video or audio media, microfilm and microfiche.

(7) School official: All of the following who act in the student's educational interests within the limitations of their need to know:

(a) A person employed by Community Colleges of Spokane in an administrative, supervisory, academic, research, support staff, law enforcement or health care service position;

(b) A person serving on the CCS board of trustees;

(c) A student serving on an official CCS committee or assisting another school official in fulfilling their professional responsibilities (examples include, but are not limited to, service on a disciplinary committee and work study students); and

(d) A contractor, consultant, volunteer or other party with whom CCS has contracted to provide a service and/or to assist another school official in conducting official business (examples include, but are not limited to: An attorney, an auditor, a collection agency, or the National Student Clearinghouse, an agency which acts as a clearinghouse for student loan deferment reporting).

(8) Student: Any person, regardless of age, who is or has been officially registered in attendance at CCS at any location at which CCS offers programs/courses with respect to whom CCS maintains educational records.

[Statutory Authority: RCW 28B.50.140. WSR 12-05-104, § 132Q-02-340, filed 2/21/12, effective 3/23/12; WSR 11-20-022, § 132Q-02-340, filed 9/23/11, effective 10/24/11. Statutory Authority: Chapter 28B.50 RCW. WSR 07-10-042, § 132Q-02-340, filed 4/25/07, effective 6/25/07. Statutory Authority: RCW 28B.50.140. WSR 03-18-021, § 132Q-02-340, filed 8/25/03, effective 9/25/03.]