WSR 26-17-105
PROPOSED RULES
WASHINGTON STATE UNIVERSITY
[Filed August 19, 2026, 10:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 26-12-066.

Title of Rule and Other Identifying Information: Chapter 504-21 WAC, University policy on student education records.

Hearing Location(s): On September 24, 2026, at 4:00 p.m., via Zoom meeting, Meeting ID 873 4533 5317, Passcode 901358; or join by telephone 253-215-8782 (Enter meeting ID and passcode at prompt). For help connecting to a Washington State University (WSU) Zoom meeting, see https://tinyurl.com/2kbrhrjt.

Date of Intended Adoption: November 19, 2026.

Submit Written Comments to: Kenyah Thomas, Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, email policies@wsu.edu, beginning September 1, 2026, by September 23, 2026, 5:00 p.m.

Assistance for Persons with Disabilities: Contact Kenyah Thomas, email policies@wsu.edu, by September 21, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The WSU administration's updates to this rule are as follows: (1) Clarify and update definitions relevant to the chapter; (2) set forth roles related to student records access, amendment, and appeal; and (3) clarify procedural steps for requesting and accessing student education records.

Reasons Supporting Proposal: The proposed amendments modify, clarify, and update WSU's policies regarding student education records and Family Educational Rights and Privacy Act compliance.

Statutory Authority for Adoption: RCW 28B.30.150.

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

Name of Proponent: WSU, public.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Matt Zimmerman, Assistant Vice Provost for Enrollment Management and University Registrar, Office of the Registrar, 1815 N.E. Wilson Road, French Administration Building, Room 346, Pullman, WA 99164-1035, 509-335-0899.

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. These rules are not significant legislative rules or other agency rules subject to RCW 34.05.328, as defined in RCW 34.05.328(5).

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(4).

Scope of exemption for rule proposal:

Is fully exempt.

August 18, 2026
Kenyah Thomas
Policies, Records, and Forms
Rules Coordinator

RDS-7337.1

AMENDATORY SECTION (Amending Order 77-1, filed 5/2/77)

WAC 504-21-010 University policy on student education records. Public Law 93-380, the Family Educational Rights and Privacy Act of 1974, requires that the university adopt guidelines concerning the right of a student to inspect ((~~his or her~~)) their education records, and guidelines concerning the release of personally identifiable information to third parties. The act further provides that such a student has the right to a hearing ((~~in order~~)) to provide for the correction or deletion of inaccurate, misleading or otherwise inappropriate data. The act also provides that students be informed of the types of education records maintained by the university that are directly related to students.

Consistent with that act, this policy on student education records is established to ((~~insure~~)) ensure that information contained in such records is treated in a responsible manner with due regard to the personal nature of the information.

AMENDATORY SECTION (Amending Order 77-1, filed 5/2/77)

WAC 504-21-020 Definitions ((~~of a student~~)). ((~~A student is defined as any person who is or has been officially enrolled at Washington State University and with respect to whom the university maintains education records or personally identifiable information.~~)) (1) Education records. For purposes of this chapter, the term "education records" means records, files, documents, and other materials, regardless of format or medium, that contain information directly related to a student and that are maintained by the institution or by a party acting for the institution.

The term "education records" does not include:

(a) 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;

(b) Records of the university police department which are maintained by the law enforcement unit of WSU that were created by the WSU law enforcement unit for the purposes of law enforcement;

(c) Records made and maintained in the normal course of business which relate exclusively to the person's capacity as an employee and are not available for any other purposes. Records relating to an individual in attendance at the university who is employed because of their status as a student are education records and not excepted under this paragraph;

(d) Records on a student that are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in a professional or paraprofessional capacity; 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. These records may be personally reviewed by a physician or other appropriate professional of the student's choice. In addition, health care information may be disclosed if authorized by state law; or

(e) Records that contain information about an individual and are created when the individual is no longer in attendance as a student at the university.

(2) Attendance. A student is "in attendance" if (a) the student is officially enrolled, and (b) the term for which the student is enrolled has begun.

(3) Student. For the purposes of this chapter, a student is any person who has ever been in attendance at the university and with respect to whom the university maintains education records.

(4) Student records appeals officer. The university's chief compliance and risk officer or designee serves as the student records appeals officer. They conduct hearings, review, and respond to appeals regarding student records requests after the student has brought the issue to the student records officer.

(5) Student records officer. The university registrar serves as the student records officer and is responsible for responding to and fulfilling student record requests, reviewing unusual requests for information, hearing requests for amendments to student records, and assisting in the interpretation of these rules.

AMENDATORY SECTION (Amending WSR 09-04-060, filed 2/2/09, effective 3/5/09)

WAC 504-21-030 Education records—Student's right to inspect. (1) A student has the right to inspect and review ((~~his or her~~)) their education records. ((~~A list of the types of education records maintained by the university and the record locations may be obtained by the student at the registrar's office.~~

~~(a) For purposes of this chapter the term "education records" means those records, files, documents and other materials which contain information directly related to a student.~~

~~(b) The term "education records" does not include:~~

~~(i) 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 or revealed to any other person except a substitute or the maker's administrator.~~

~~(ii) Records of the university police department which are maintained by the law enforcement unit of WSU that were created by the WSU law enforcement unit for the purposes of law enforcement.~~

~~(iii) Records made and maintained in the normal course of business which relate exclusively to the person's capacity as an employee and are not available for any other purposes. Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under this paragraph.~~

~~(iv) Records on a student which are created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional, acting in a 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. Such records can be personally reviewed by a physician or other appropriate professional of the student's choice. In addition, health care information may be disclosed if authorized by state law.~~

~~(v) Records that contain information about an individual after he or she is no longer a student at that agency or institution.~~)) The student records officer must respond to a student's request for their own records within a reasonable time frame and no later than 45 days after receiving the request. All requests must be submitted to the student records officer or the public records office. The student records officer is responsible for collecting the relevant documents and providing them to the student, except that for complex requests, the public records office may handle this process under the Washington Public Records Act.

(2) Recommendations, evaluations, or comments concerning a student that are provided in confidence, either expressed or implied((~~, as~~)) between the author and the recipient, ((~~shall~~)) will be made available to the student, except as provided in this subsection.

(a) The student may specifically release ((~~his or her~~)) their right to review where the information consists only of confidential letters and recommendations respecting:

(i) Admission to any educational institution((~~, or~~));

(ii) Employment application information and documents filed and maintained at the student's request at the career services office((~~.~~));

(iii) Receipt of an honor or honorary recognition((~~.~~)); or

(iv) Faculty evaluations and other education records placed in departmental files where the department serves in a placement or referral capacity.

(b) A student's waiver of ((~~his or her~~)) their right of access to confidential ((~~statements~~)) letters and recommendations is valid only if:

(i) The student, upon request, ((~~shall be~~)) is notified of the names of all persons ((~~making confidential statements concerning him; and~~)) who provided the confidential letters and recommendations concerning the student;

(ii) Confidential statements ((~~shall be~~)) are used solely for the purpose for which they were originally intended; ((~~and~~))

(iii) Such waivers are not required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from the university((~~.~~)); and

(iv) The waiver is made in writing and signed by the student, regardless of age.

(c) Recommendations, evaluations, or comments concerning a student that have been provided in confidence, either expressed or implied((~~, as~~)) between the author and the recipient, prior to January 1, 1975, ((~~shall~~)) will not be ((~~subject to release~~)) released to the student. ((~~Such~~)) These records ((~~shall~~)) remain confidential and ((~~shall~~)) will be released only with the consent of the author of the specific document. ((~~Such~~)) These records ((~~shall~~)) will be used by the institution only for the purpose for which they were originally intended.

(3) Where requested records or data include information on more than one student, the student ((~~shall be~~)) is entitled to receive or be informed of only that part of the record or data that pertains to the requesting student. Such requests may be directed to the public records office for processing and may require additional response time or fees in accordance with chapter 504-45 WAC.

(4) Students have the right to obtain copies of their education records((~~. Charges for the copies shall not exceed the cost normally charged by a Washington State University copy center (~~)) at no charge

except in cases where charges have previously been approved for certain specified services, such as ((~~transcripts and grade sheets~~)) official transcripts or requests processed through the public records office in accordance with WAC 504-45-070.

(5) The ((~~registrar is the official custodian of academic records and therefore~~)) student records officer or designee is the only official who may issue a transcript of the student's official academic record.

(6) Student education records may be destroyed in accordance with ((~~a department's routine retention schedule where the departmental procedure has been~~)) the university's established records retention schedule as approved by the university records officer. In no case will any record ((~~which~~)) that is requested by a student for review in accordance with these regulations be removed or destroyed prior to final disposition of the record request.

AMENDATORY SECTION (Amending WSR 09-04-060, filed 2/2/09, effective 3/5/09)

WAC 504-21-040 Requests for amendment and appeal procedures. (1) A request by a student for review of information or a request for amendment ((~~shall~~)) will be made in writing to the ((~~university employee or office having custody of the particular record. A request for amendment may be appropriate if the student believes the records contain information that is inaccurate, misleading, or in violation of his/her rights to privacy. Neither the student records officer nor the registration and records committee shall review any matter regarding the appropriateness of official academic grades. (University academic regulations 104, "academic complaint procedures," and 105, "administrative changes to final grades," should be followed in all cases involving grading disputes.)~~

~~(2) The person or office receiving a proper request for review or amendment of information must respond to the request within a reasonable period of time, but in cases where a student requests review, no more than forty-five days after the request has been made.~~

~~(3)(a) A student who believes his or her request has not been properly answered by a particular person or office should consult the appropriate dean or director having supervisory responsibility for the office.~~

~~(b) If a student remains dissatisfied after consulting with the appropriate dean or director, the student may then appeal to the student records officer, who will review the appeal and may refer it to the university registration and records committee. All cases involving requests for amendment will be referred to the registration and records committee for hearing. In either case, the decision shall be rendered within a reasonable period of time. The decision shall be final, *except as provided in WAC 504-21-080.*~~

~~(c) Appeals must be filed with the student records officer within ninety days from the date of the initial request to the custodian of the record.~~)) student records officer.

(2) A request for amendment may be appropriate if the student believes the records contain information that is inaccurate, misleading, or in violation of their rights to privacy. The student records officer will not review any matter regarding the appropriateness of official academic grades. (University academic regulations 104, "address-

ing course concerns," and 105, "administrative changes to final grades," should be followed in all cases involving grading disputes.)

(3) The student records officer must respond to the request within a reasonable period of time and no more than 45 days after the request has been made. If the student records officer decides not to amend a record as requested, they inform the student of their decision and their right to an appeal hearing.

(4)(a) A student who believes their request has not been properly answered by the student records officer may then appeal to the student records appeals officer, who will review the appeal. Appeals must be filed with the student records appeals officer within 90 days from the date of the initial request to the student records officer.

(b) The student records appeals officer will provide the student with a full and fair opportunity to present evidence relevant to the issues raised. The student may be represented by one or more individuals of their own choice, including an attorney. The hearing may be conducted live, virtually, or in writing at the discretion of the student records appeals officer.

(c) The decision must be rendered within a reasonable period of time and include a summary of the evidence and the reasons for the decision. The decision is final.

(d) ((~~Eligible~~)) Students eligible under the provisions of this chapter are hereby notified of their right to file a complaint with the Department of Education concerning any alleged failure of Washington State University to comply with the Family Educational Rights and Privacy Act of 1974, as amended.

AMENDATORY SECTION (Amending WSR 09-04-060, filed 2/2/09, effective 3/5/09)

WAC 504-21-050 Release of personally identifiable records. (1) The university ((~~shall~~)) will not permit access to or the release of education records or personally identifiable information contained therein, other than "directory information," (as defined in ((~~subsection (5) of this section~~)) WAC 504-21-020), without the written consent of the student to any party other than the following:

(a) School officials with ((~~a~~)) legitimate educational interest. A school official is a person employed by WSU in an administrative, supervisory, academic or research, or support staff position (including health staff and WSU police); a person or company with whom the university has contracted (such as an attorney, auditor, or collection agent); a person serving on the board of trustees; or a student serving on an official committee (such as a disciplinary or grievance committee, or assisting another school official in performing ((~~his or her~~)) their tasks). A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill ((~~his or her~~)) their educational responsibilities((~~.~~));

(b) Federal and state officials requiring access to education records in connection with the audit and evaluation of a federally- or state-supported education program or in connection with the enforcement of federal or state legal requirements which relate to such programs. In such cases the information required ((~~shall~~)) will be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials, and such personally identifiable data

((~~shall~~)) will be destroyed when no longer needed for ((~~such~~)) audit, evaluation, or enforcement of legal requirements((~~.~~));

(c) Persons or organizations, other than parents or legal guardians, providing ((~~to the student financial aid,~~)) financial aid to the student or determining financial aid decisions concerning eligibility, amount, condition, and enforcement of terms of said aid((~~.~~));

(d) Organizations conducting studies for or on behalf of the university for purposes of developing, validating or administering predictive tests, administering student aid programs, and improving instruction, if ((~~such~~)) studies are conducted in ((~~such~~)) a manner ((~~as~~)) that will not permit the personal identification of students by persons other than representatives of such organizations, and ((~~such~~)) information will be destroyed when no longer needed for the purposes for which it was provided((~~.~~));

(e) Education records may be used for legitimate academic research((~~,~~)), provided that:

(i) The procedures utilized and the reported findings do not violate the student's confidence;

(ii) Students' names will not be included in the study or in any way linked with the data;

(iii) Case histories and case records are sufficiently disguised to prevent identification of the individuals involved; and

(iv) The student's written permission is obtained ((~~where~~)) when individual identification occurs((~~.~~));

(f) Accrediting organizations ((~~in order~~)) to carry out their accrediting functions((~~.~~));

(g) Any person or entity designated by judicial order or lawfully issued subpoena, upon condition that a reasonable attempt has been made to notify the student of all ((~~such~~)) orders or subpoenas in advance of the compliance ((~~therewith~~)) unless the subpoena is issued for a law enforcement purpose or is issued by a federal grand jury and the court or other issuing agency has ordered that the existence of the subpoena not be disclosed. Any university employee or office receiving a subpoena or judicial order for education records should immediately notify the WSU division of the office of the attorney general((~~.~~));

(h) Parents or legal guardians of a student who have established that student's status as their dependent according to Internal Revenue Code((~~.~~));

(i) An alleged victim of any crime of violence or nonforcible sexual offense, as ((~~they are~~)) defined in Appendix A to 34 C.F.R. Part 99, ((~~shall~~)) will be informed of the results of any disciplinary proceeding conducted by WSU against the alleged perpetrator of that crime with respect to that crime((~~.~~));

(j) To the office of the attorney general when disclosure is to comply with a judicial order or to provide legal ((~~advice.~~)) counsel;

(k) WSU may provide to parents or guardians of students under age ((~~twenty one~~)) 21 information regarding violations of federal, state, or local laws or the university's ((~~conduct code where such~~)) standards of conduct for students with violations ((~~concern~~)) concerning the use or possession of alcohol or controlled substances and ((~~where~~)) WSU ((~~determines that those students have~~)) has determined the student committed such violations.

(l) When either the student initiates legal action against WSU or when WSU initiates legal action against the student, WSU may disclose to the court any educational records of the student that are relevant to the legal actions((~~.~~)); and

(m) Information may be disclosed in conformance with other exceptions to the prior written consent requirement of the Family Educational Rights and Privacy Act and implementing regulations found at 34 C.F.R. § 99. A copy of these regulations may be obtained from the office of the registrar.

(2) ((~~Where the~~)) When consent of a student is obtained for the release of education records, ((~~it shall~~)) the consent must be in writing, signed, and dated by the person ((~~giving such consent, and shall~~)) granting consent. A signature may be handwritten or electronic, including a verified email communication from the student's institutional or otherwise authenticated email account. The consent must include:

(a) A specification of the records to be released,

(b) The reasons for ((~~such~~)) release, and

(c) The identity of the parties to whom ((~~such~~)) records will be released, unless the nature of the activity is such that advance identification of recipients is not possible ((~~such as~~)). This includes employment assistance provided by the university office of career services and placement, in which case an effort will be made to identify recipients of information as they become known.

(3) In cases where records are made available without student consent as permitted by subsection (1)(b), (c), (d), (e), (f), and (g) of this section (except in cases where the subpoena prohibits disclosure), subsection (1)(i) of this section and, when required by law, subsection (1)(m) of this section the university ((~~shall~~)) will maintain a record which ((~~will~~)) indicates the parties which have requested or obtained access to a student's records maintained by the university and which ((~~will~~)) indicates the legitimate interest of the requesting party.

(4) Personally identifiable education records released to third parties, with or without student consent, ((~~shall~~)) will be accompanied by a written statement indicating that the information cannot be subsequently released in a personally identifiable form to any other parties without obtaining consent of the student unless such disclosures are made pursuant to subsection (1)(g), (h), (j), (k), or (l) of this section or the information released is directory information as defined in subsection (5) of this section.

(5) The term "directory information" used in subsection (1) of this section is defined as student's name (including any former name), local and permanent addresses and telephone numbers, ((~~electronic mail~~)) email address(es), major and minor fields of study, participation in officially recognized activities in sports, weight and height of members of athletic teams, dates of attendance, enrollment status (e.g., undergraduate or graduate; full-time or part-time), ((~~grade~~)) class level (first-year, sophomore, etc.), ((~~degrees,~~)) status as graduate assistant and assignment, degrees, certificates, and awards received, including the president's honor roll, and the most recent previous educational institution attended by the student. Students may request that the university not release directory information by ((~~filing a request online or with the office of payroll services~~)) updating their FERPA restrictions in the student information system. Former students who no longer have access to the student information system should contact the office of the registrar for assistance.

(6) Information from education records may be released to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other person(s).

(7) Certain requests for student records, such as those containing information on other students or which qualify as public records due to the nature of their content, may require involvement of the public records office. In such cases, the response timeline and associated costs are determined in accordance with chapter 504-45 WAC and may exceed those established for other student records requests. The student records officer will direct requests to the public records office as necessary.

AMENDATORY SECTION (Amending WSR 95-07-043, filed 3/8/95, effective 4/8/95)

WAC 504-21-090 Notice of rights given under Family Educational Rights and Privacy Act of 1974. In accordance with the requirements of the Family Education Rights and Privacy Act of 1974, the university will ((~~make its best efforts to notify all students of the rights under this act. Such notification shall be done through the Washington Administrative Code procedure, notices to the campus newspaper and radio and television services, and such other publications and media that the university deems appropriate~~)) notify students on an annual basis of their rights under the act and this chapter.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 504-21-060	University records.
WAC 504-21-070	Student records officer.
WAC 504-21-080	Right of student to register objections.