

# Chapter 495E-280 WAC

## FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

**WAC**

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**WAC 495E-280-010 General policy.** Renton Technical College adopts 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, Renton Technical College 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, 34.05.220, [34.05].482, 20 U.S.C. §1232g and 34 C.F.R. Part 99. 93-13-115, § 495E-280-010, filed 6/21/93, effective 7/22/93.]

**WAC 495E-280-015 Definitions.** For the purposes of this policy, the following definitions of terms apply:

(1) "Student" means any individual who is or has been in attendance at Renton Technical College and regarding whom the college maintains education records.

(2) "Education records" are those records, files, and documents (in handwriting, print, tape, film, microfiche, or other medium) maintained by Renton Technical College which contain information directly related to an individual student. Education records include the following:

(a) Records pertaining to admission, advisement, registration, grading, and progress toward a 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 programs office.

(3) "Directory information" means the student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially

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recognized activities and organizations, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(4) "Written consent" means a written authorization for disclosure of student education records which:

(a) Is signed and dated;

(b) Specifies the records to be disclosed; and

(c) Specifies to whom disclosure is authorized.

(5) "Personally identifiable" means data or information which includes: The name of the student, the student's parent(s) or other family member; a personal identifier such as the student's Social Security number or student number; or personal characteristics or other information which would make the student's identity easily traceable.

[Statutory Authority: RCW 28B.50.140, 34.05.220, [34.05].482, 20 U.S.C. §1232g and 34 C.F.R. Part 99. 93-13-115, § 495E-280-015, filed 6/21/93, effective 7/22/93.]

**WAC 495E-280-020 Annual notification of rights.**

Renton Technical College will notify students of their rights under the Family Educational Rights and Privacy Act (F.E.R.P.A.) and these rules by publication in the college catalog and by distribution of that catalog during the registration process. The college shall make available upon request a copy of these rules 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, 34.05.220, [34.05].482, 20 U.S.C. §1232g and 34 C.F.R. Part 99. 93-13-115, § 495E-280-020, filed 6/21/93, effective 7/22/93.]

**WAC 495E-280-030 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 495E-280-110.

(2) A student must submit to the appropriate college official a written request which identifies as precisely as possible the 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: RCW 28B.50.140, 34.05.220, [34.05].482, 20 U.S.C. §1232g and 34 C.F.R. Part 99. 93-13-115, § 495E-280-030, filed 6/21/93, effective 7/22/93.]

**WAC 495E-280-040 Disclosure of education records.**

(1) In addition to "directory information" the college may, at its discretion, make disclosures from education records:

(a) To college officials including college administrative and clerical staff, faculty, and students employed by the col-

lege when the information is required for advisement, counseling, recordkeeping, reporting, or other legitimate educational interest consistent with their specific duties and responsibilities;

(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 which the student has applied for or received, when necessary for lawful purposes;

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

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

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

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

(i) To an organization conducting a study for or on behalf of educational agencies or institutions, when legally authorized.

(2) The college shall not permit access to or 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 the above.

(3) Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student, except that the college may permit third party disclosure to other parties listed in subsection (1)(a) through (i) of this section.

[Statutory Authority: RCW 28B.50.140, 34.05.220, [34.05].482, 20 U.S.C. §1232g and 34 C.F.R. Part 99. 93-13-115, § 495E-280-040, filed 6/21/93, effective 7/22/93.]

**WAC 495E-280-050 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 information which relates to him or her.

(2) Renton Technical College reserves the right to refuse to permit a student to inspect the following records:

(a) Financial records, including any financial statement of the student's parents;

(b) Confidential letters and statements of recommendation for which the student has lawfully waived his or her right of access, or which were placed in the file before January 1, 1975; and

(c) Records connected with an application to attend Renton Technical College if that application was denied.

(3) Renton Technical College 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, 34.05.220, [34.05].482, 20 U.S.C. §1232g and 34 C.F.R. Part 99. 93-13-115, § 495E-280-050, filed 6/21/93, effective 7/22/93.]

**WAC 495E-280-060 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 by law or rule.

(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 requested or received personally identifiable information;

(b) The interests the parties had in requesting or obtaining the information; and

(c) The names and interests of additional parties to which the receiving party 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; or

(d) A party seeking directory information.

[Statutory Authority: RCW 28B.50.140, 34.05.220, [34.05].482, 20 U.S.C. §1232g and 34 C.F.R. Part 99. 93-13-115, § 495E-280-060, filed 6/21/93, effective 7/22/93.]

**WAC 495E-280-070 Disclosure of directory information.** Directory information may be disclosed at the discretion of the college and without the consent of the student unless the student has elected to prevent disclosure by filing a written objection to disclosure with the registrar within ten days of his/her registration for that term. The objection continues in effect during succeeding terms unless revoked in writing by the student.

[Statutory Authority: RCW 28B.50.140, 34.05.220, [34.05].482, 20 U.S.C. §1232g and 34 C.F.R. Part 99. 93-13-115, § 495E-280-070, filed 6/21/93, effective 7/22/93.]

**WAC 495E-280-080 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 495E-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 for 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 for 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 through 34.05.494 and shall be conducted by the vice-president for student services or his/her designee. At the hearing, the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.

(4) The vice-president for student services or designee will prepare a written decision, within ten days after the conclusion of the hearing, based on the evidence presented at the hearing. The decision will include the reasons for the decision and will advise the parties that it is subject to administrative review by the college president under RCW 34.05.488 through 34.05.491 if a written or oral request for such review is received by the president within twenty-one days. A copy of the decision shall be served on the student.

(5) If the final decision is that the information is inaccurate, misleading, or in violation of the student's right of privacy, the custodian of the record will amend the record accordingly and notify the student, in writing, that the record has been amended.

(6) If the final decision is that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the custodian of the record will notify the student 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: RCW 28B.50.140, 34.05.220, [34.05].482, 20 U.S.C. §1232g and 34 C.F.R. Part 99. 93-13-115, § 495E-280-080, filed 6/21/93, effective 7/22/93.]

**WAC 495E-280-090 Fees for copies.** Copies of student records shall be made at the expense of the requesting party at actual cost for copying as posted at the admissions/records office.

[Statutory Authority: RCW 28B.50.140, 34.05.220, [34.05].482, 20 U.S.C. §1232g and 34 C.F.R. Part 99. 93-13-115, § 495E-280-090, filed 6/21/93, effective 7/22/93.]

**WAC 495E-280-100 Waiver.** A student may waive any of his or her rights under this chapter by submitting a written, signed, and dated waiver to the office of the registrar. Such a

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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 a subsequent writing which is signed and dated.

[Statutory Authority: RCW 28B.50.140, 34.05.220, [34.05].482, 20 U.S.C. §1232g and 34 C.F.R. Part 99. 93-13-115, § 495E-280-100, filed 6/21/93, effective 7/22/93.]

**WAC 495E-280-110 Type and location of education records.**

<u>TYPES</u>	<u>CUSTODIAN</u>
Admission Records,	Registrar
Cumulative Academic Records, Testing Records, Registration and Payment of Tuition Records	
Financial Aid Records, Student Employment Records	Financial Aid Director

All records are maintained in the Administration Building, 3000 Northeast Fourth Street, Renton, WA 98056.

[Statutory Authority: RCW 28B.50.140, 34.05.220, [34.05].482, 20 U.S.C. §1232g and 34 C.F.R. Part 99. 93-13-115, § 495E-280-110, filed 6/21/93, effective 7/22/93.]

**WAC 495E-280-120 Remedy for students protected by this act.** A student may file a written complaint with the United States Department of Education regarding an alleged college violation of the Federal Educational Rights and Privacy Act or 34 C.F.R § 99. The address is:

Family Policy and Regulations Office  
U.S. Department of Education  
Washington, D.C. 20202

[Statutory Authority: RCW 28B.50.140, 34.05.220, [34.05].482, 20 U.S.C. §1232g and 34 C.F.R. Part 99. 93-13-115, § 495E-280-120, filed 6/21/93, effective 7/22/93.]