STUDENT RECORDS: DISCLOSURE OF STUDENT INFORMATION

I. PURPOSE

This regulation provides guidance regarding disclosure of information about students and compliance with relevant right-to-know legislation.

II. BACKGROUND AND/OR LEGAL REFERENCE

This regulation restricts its focus to disclosure of information about students. Guidance of a broader nature concerning the release of college information and public access to records is found in College Regulation 132.

Legal references for this regulation include the following:


III. DEFINITIONS

A. Education Records: For purposes of this regulation, the terms education records, educational records, and student records refer to those records, files, documents, and other materials that contain information directly related to a student and are maintained by Wharton County Junior College (“WCJC”) or by a person acting for WCJC. This definition includes student records relating to an individual in attendance at the college who is also employed at the college. Examples of such records include, but are not limited to the following:

1. admissions data and personal and family data;
2. standardized test data including intelligence, aptitude, interest, personality, and social- adjustment ratings;
3. all achievement records as determined by tests, recorded grades, and evaluations by teachers;
4. attendance records;
5. records of faculty, counseling, or administrative conferences with the student or pertaining to the student;
6. disciplinary records;
7. copies of correspondence with parents and others concerned with the student;
8. records transferred from other educational agencies or institutions in which students have been enrolled;
9. records pertaining to participation in student activities including awards or recognition by the college;
10. information relating to students' participation in special programs;
11. records of tuition and fees paid and outstanding;
12. other records that may contribute to understanding of students;
13. financial-aid records;
14. records of scholastic disciplinary actions;
15. job-placement records;
16. academic awards or recognition by the college; and
17. other records pertaining to the student’s record at the college.

Education Records do not include the following:

1. 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;
2. Records of the law enforcement unit of an educational agency or institution;
3. Records relating to an individual who is employed by an educational agency or institution, that are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee and are not available for use for any other purpose;
4. 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;
5. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
6. Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are made, maintained, or used only in connection with treatment of the student, and are disclosed only to individuals providing the treatment (“treatment” does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution);
7. Records created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student;
8. Grades on peer-graded papers before they are collected and recorded by a teacher.

20 U.S.C. 1232g; 34 CFR 99.3(b)

B. Parent: includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. 34 CFR 99.3(b); 99.31(a)(8).

C. Directory Information: Information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information is subject to public disclosure. It includes, but is not limited to, the following:

1. name;
2. address;
3. telephone number;
4. e-mail address;
5. photograph;
6. enrollment status;
7. degrees and awards received;
8. major field of study;
9. participation in officially recognized activities and sports;
10. weight and height of members of athletic teams;
11. most recent educational institutions attended.

D. Student means an individual who attends or who has attended WCJC.

E. Personally identifiable information includes, but is not limited to, the student's name, the name of the student's parent or other family member, the address of the student or student's family, the student's Social Security number or student identification number, a list of personal characteristics that would make the student's identity easily traceable, or other information that would make the student's identity easily traceable.

F. Records: any information recorded in handwriting, print, tape, film, microfilm, microfiche, or other electronic media.

G. Dependent student: an individual defined by Section 152, IRS Code of 1954.

H. School officials means any employees, trustees, or agents of WCJC, as well as attorneys, consultants, and independent contractors retained by WCJC.

I. Legitimate educational interest. A school official has a "legitimate educational interest" if the official (1) is performing a task that is specified in his or her position description or by a contract agreement; (2) is performing a task related to a student's education; (3) is performing a task relating to the discipline of a student; (3) is providing a service or benefit relating to the student or student's family such as health care, counseling, job placement, or financial-aid assistance; (4) is compiling statistical data for an institutional report; or (5) is investigating or evaluating college programs.

J. All other terms shall have the definition provided in Chapter 34, Part 99 of the Code of Federal Regulations.

IV. POLICY

A. Wharton County Junior College shall comply with all applicable Texas and federal statutes pertaining to the release of student records, codes of state regulations issued to implement these statutes, all federal statutes pertaining to the freedom and dissemination of student information and rights of privacy, and any other regulations governing the storing, managing, and disclosure of student information by institutions of higher education.

B. Students' records and all information pertaining to students' academic status, progress, or performance constitute privileged information and are subject to the stipulations of the federal Family Educational Rights and Privacy Act of 1974, which establishes specific rights for students and/or their parents and prevents the
release of certain information without the written consent of the student.

C. Wharton County Junior College releases directory information to authorized inquirers such as law-enforcement agencies, state and federal financial-aid agencies, and other sources. It does not make directory information available commercially.

D. Access to Records by Students

1. Students, former students, and alumni have the right to review, in the presence of college personnel, their own personal records maintained by the college (including academic and financial records but excluding those not defined above as "education records").

2. Students have the right to obtain copies of their own education records. The college shall grant such requests within a reasonable time, but in all cases within 45 days after the request is made.

3. Students have the right to challenge the content of their education records.

E. Access by Parents to Records of Dependent Students

1. Parents who certify that a student is carried by them as a dependent for federal income-tax purposes have the right to review, in the presence of college personnel, the education records of their dependent child without the consent of the child.

2. Such parents also have the right to obtain copies of their dependent child's education records. The college shall grant such requests within a reasonable time, but in all cases within 45 days after the request is made.

3. Parents have the right to contest information contained in their dependent student's file.

F. Access to Records by Others

WCJC shall not release, provide access to, or otherwise disclose personally identifiable information in educational records other than directory information, except to the following:

1. "school officials" when they have a "legitimate educational interest," as both terms are described above;

2. officials of other educational institutions which a student is enrolled in or receives services from, subject to the notice requirements of 34 C.F.R. §99.34;

3. other officials, as provided by law, who have the right to obtain copies of students' records (e.g., authorized state and federal officials of educational and funding agencies), subject to the conditions set forth in 34 C.F.R. §99.35;

4. judicial officials who have subpoenaed the records;

5. health and safety officials responding to an emergency as described in 34 C.F.R. §99.36;

6. accrediting organizations.

G. Refusal of Access

WCJC shall deny any third-party request for access to a student's records, other than those listed above, unless the student has given prior consent in writing to the Director of Admissions and Registration.
H. Restriction of Access

1. Students may exercise their right to specify that no information, including directory information, may be released from their records. Any restriction or access to directory information must be done in writing by the student.

2. The college may refuse to duplicate educational records or provide records to a third party for a student who has outstanding financial obligations to the college, and/or is the subject of an unresolved disciplinary action initiated by the college against the student.

I. Right of College to Refuse Access

The college reserves the right to refuse to permit a student to inspect the following records:

1. the financial statements of the students' parents;

2. letters and statements of recommendation for which the student has waived his or her right of access or that were placed in the student's file before January 1, 1975;

3. those records excluded from the FERPA definition of "education records."

J. Maintenance and Purging of Information

The college shall permanently store student files, transcripts, financial information, and grade reports; but the college shall have the right to destroy cumulative personal records on students as recommended by the Texas State Library and Archives Commission’s Retention Schedule for Records of Public Junior Colleges or as permitted by law. The college shall not destroy any education records if a request is outstanding to inspect or review the records.

K. The college shall publish information regarding students' rights under FERPA in the college catalog and in the student handbook.

L. Security

All employees are responsible for maintaining the security and confidentiality of data in their possession, such as hardcopy reports or data downloaded to their workstations. Individuals must report to the appropriate supervising authority any known breach of security and confidentiality of data.

(POLICY APPROVAL: 6-21-95, Board of Trustees, amended 1-15-08, amended 6-24-14)

V. PROCEDURES

A. Custodians of Records

1. The Director of Admissions and Registration (D/AR) is the custodian of records for all students and for all official academic records maintained by the college, and the Director of Financial Aid (D/FA) is the custodian of all financial-aid documents. The Vice President of Student Services (VPSS) is the custodian of all other records pertaining to students.

2. The titles and addresses of the custodians of student records are included in the college catalog and the student handbook as part of the sections of those documents informing students of their rights under FERPA.
B. Request Procedures

1. Students (and parents of dependent students) who wish to review their records must submit the Request to Review Educational Records form to the record custodian. The request is a one-time use form and must be submitted for each review.

2. The record custodian sets a mutually convenient date and time for the review to occur no later than 45 days after submission of the request form.

3. Records may be reviewed during regular business hours. The record custodian or designee must be present during the review and is available to explain the record or answer questions.

4. The confidential nature of the student's records must be maintained at all times, and records may be reviewed only in a restricted area designated by the record custodian.

5. Neither the original copy of the record nor any document contained in the comprehensive record may be removed from college premises.

6. The custodian or designee makes copies of records available at a cost of .25 per page, payable in advance.

C. Record of Requests

1. The custodian maintains a record (which is kept with the education records of each student) indicating all individuals, agencies, or organizations that have requested or obtained access to a student's education records. This access record must include at least the name of the requesting person or agency and the legitimate interest the requesting party had in the information.

2. The access record does not include requests for access by, or access granted to, the student and school officials; requests accompanied by prior written consent of the student; or requests for directory information.

3. The record of access is maintained as long as the college maintains the student's education record.

4. The record of access is available only to the student; school officials responsible for custody of the education records; and those state, local, and federal officials authorized to audit the operation of the records system of the college.

D. Amending Records

1. A student who believes that his or her record contains information that is inaccurate, misleading, or in violation of the student's rights, he or she may submit a written request to the record custodian to amend the record.

2. Within 20 calendar days of receipt of such a request, the record custodian informs the student in writing of the decision to grant or deny the request. If the request is denied, the student is notified of the denial and of his or her right to appeal this decision before the College Hearing Board under the provisions of Reg 591, Student Grievances and Complaints and 34 C.F.R. §99.22.

3. The record custodian supplies a copy of Reg 591 to any student who wishes to contest the custodian’s denial of the student's request to amend his or her educational record.

4. If the college's final decision is not to amend the student's record, the student is informed in
writing by the record custodian of the student's right to place a statement in the record commenting on the contested information and/or stating any reason for disagreeing with the college's decision.

a. The student has 30 calendar days within which to exercise this right.

b. Any such statement or explanation is maintained with the contested part of the record for as long as the record is maintained by the college and is disclosed whenever the contested portion of the record is disclosed.

5. Information regarding students' challenge privileges are included in the college catalog and the student handbook as part of the sections of those documents informing students of their rights under FERPA.

E. Consent to Release Educational Records

1. The student must give his or her consent before personally identifiable information in educational records may be released to any parties other than information listed in Sections III.D, E, and F.

2. The student's consent must be in writing and must specify the records to be released, the reason for such release, and to whom the records are to be released.

3. The student's consent is granted when the record custodian receives the signed written consent from the student with the aforementioned information.

4. Information regarding students' consent privileges is included in the college catalog and the student handbook as part of the sections of those documents informing students of their rights under FERPA.

F. Restricting Directory Information

1. Students who do not wish directory information to be released submit written notification to this effect to the record custodian by completing the form entitled Request to Prevent Disclosure of Directory Information.

2. The completed Request to Prevent Disclosure of Directory Information must be submitted to the record custodian no later than the twelfth day of classes during fall and spring semesters and no later than the fourth day of class during a summer session. Absent the filing of this form, students should expect directory information to be subject to public disclosure.

3. Such requests are honored until the student indicates to the record custodian that they wish their information to be disclosed.

4. Information regarding students' prevention privileges is included in the college catalog and the student handbook as part of the sections of those documents informing students of their rights under FERPA.