

SENATE BILL REPORT

SB 5603

As Passed Senate, March 12, 1997

Title: An act relating to student records.

Brief Description: Allowing parents access to student records and prohibiting their release without parental consent.

Sponsors: Senators Stevens, Zarelli, Johnson, Roach, Oke and Hochstatter.

Brief History:

Committee Activity: Education: 2/18/97, 3/4/97 [DP].
Passed Senate, 3/12/97, 49-0.

SENATE COMMITTEE ON EDUCATION

Majority Report: Do pass.

Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Staff: Susan Mielke (786-7422)

Background: The federal Family Educational and Privacy Rights Act of 1974 (FERPA) provides access to educational records by a parent or student, and limits the transfer and disclosure of certain personally identifiable information in educational records without prior written consent, except in limited circumstances. Under FERPA, educational records include information maintained by an educational agency or institution that is directly related to a student. FERPA does not make any action unlawful, but allows federal funding to be discontinued if the act is violated.

State law also contains provisions addressing disclosure of educational records. School districts may disclose information in educational records to law enforcement and juvenile court officials to the extent permitted by FERPA. When a student transfers to a different school, the student's permanent educational record must be sent to the new school. School districts are required to provide the Department of Health access to students' proof of immunization. Districts must provide records of student visual/auditory screening if requested by the Superintendent of Public Instruction or the Department of Health.

Summary of Bill: The federal parental access requirement and limitation on disclosure of educational records is added to state law.

A student's parent or guardian has the right to review all the student's education records.

A school may not release a student's education records without the written consent of the student's parent or guardian, except as allowed under FERPA.

School districts must establish procedures, that comply with FERPA, for granting a student's parent or guardian access to the student's education records, and for prohibiting the release of student information without the written consent of the student's parent or guardian. Prior to obtaining the written consent, the parent or guardian must be informed as to who is requesting the information, why the request is being made, which information is requested, and how the information will be used.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Federal law gives access to parents, but state law is silent on the issue. It does not prevent parental access, but it does not expressly permit parental access. It is important to spell it out in state law so that parents feel comfortable making the request for access to their child's school records. Many districts do not have policies regarding parental access to student records. One reason parents need access is to ensure records have not been altered.

Concerns: The bill does not go far enough. Federal law allows release of information for legitimate purposes, but what may be legitimate for parents is different than what may be legitimate for school bureaucrats. The door is open for abuse.

Testimony Against: None.

Testified: Senator Stevens, prime sponsor (pro); Muriel Tingley, Washington Parents Coalition for Academic Excellence (pro); Janeane Dubuar, Computer Professionals for Social Responsibility (pro).