

SENATE BILL REPORT

SB 5497

As of February 11, 2015

Title: An act relating to the professional educator standards board as an authorized representative of the state educational agencies.

Brief Description: Confirming that the professional educator standards board is an authorized representative of the state educational agencies.

Sponsors: Senators Litzow, McAuliffe, Dammeier, Rolfes and Chase; by request of Professional Educator Standards Board.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/03/15.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Matthew Lemon (786-7405)

Background: Professional Educator Standards Board (PESB). The Washington PESB is responsible for establishing policies and requirements for the preparation and certification of education professionals. PESB is required to ensure educators seeking certification:

- are competent in the professional knowledge and practice for which they are being certified;
- have a foundation of skills, knowledge, and attitudes necessary to help students with diverse needs, abilities, cultural experiences, and learning styles meet or exceed the state learning goals; and
- are committed to research-based practices and career-long professional development.

PESB regularly requires educator preparation programs at universities and colleges to collect and report aggregated data to the state for purposes of research and monitoring certification program effectiveness.

Family Educational Rights and Privacy Act (FERPA). The federal FERPA provides various privacy protections for student educational records. FERPA gives parents the same privacy and access rights with respect to the education records of their minor children. FERPA applies to all schools receiving funding from the federal Department of Education and state education agencies. Schools are required to notify students and parents of their FERPA rights on an annual basis. Under FERPA, students have the right to:

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- inspect and review their education records maintained by their school;
- request that a school correct their records, if they believe them to be inaccurate or misleading; and
- generally require schools to obtain written consent from the student – or parent, in the case of a minor – before releasing any information from a student's education record.

Certain exceptions from FERPA exist to a school to release information from a student's educational record without consent. Directory information such as the student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance at the school are exempt from FERPA and may be disclosed to third parties without express written consent. Schools may also disclose FERPA records to the following parties or under the following conditions:

- school officials with a legitimate educational interest;
- other schools to which a student is transferring;
- specified officials, including authorized representatives of state and local education authorities, for audit or evaluation purposes;
- appropriate parties in connection with financial aid to a student;
- organizations conducting certain studies for or on behalf of the school;
- accrediting organizations;
- to comply with a judicial order or lawfully issued subpoena;
- appropriate officials in cases of health and safety emergencies; and
- state and local authorities of the juvenile justice system.

Summary of Bill: The legislative intent is specified as clarifying that data exchanged between educator preparation programs and PESB are protected under FERPA. PESB is expressly named as an authorized representative of the state's educational agencies for the purpose of accessing and compiling student record data for research, monitoring, and evaluation purposes.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: It is the opinion of PESB's attorneys that PESB is in fact an educational agency for the purposes of FERPA and is covered by definition in federal law. However, this request stems from working on data sharing agreements with the universities that PESB regulates. The attorneys general from the universities requested that PESB indemnify the universities in contract in case there was a mishandling of personally identifiable data. PESB determined that they could not indemnify in contract but the Legislature could in statute by making it clear that PESB is an educational agency of the state under FERPA. This bill protects the universities, protects PESB, and ensures ongoing data collection.

CON: Colleges have a continuing problem with how PESB handles the data they currently get and they should not be given any more data until they can honestly handle what they do receive. The provosts of the six public institutions of higher education have distributed a letter outlining a number of concerns including questionable statistical analysis. The Education Data Center at the Office of Financial Management can do all of the analysis and studies needed around education and is centralized in one location. This bill would give PESB the power to demand personally identifiable data on students from the teacher preparation programs when PESB does not currently handle the data in a responsible way.

Persons Testifying: PRO: David Brenna, PESB.

CON: Bob Cooper, WA Assn. of Colleges for Teacher Education.