

HOUSE BILL REPORT

SB 6263

As Reported by House Committee On: Education

Title: An act relating to a model educational data sharing agreement between school districts and tribes.

Brief Description: Creating a model educational data sharing agreement between school districts and tribes.

Sponsors: Senators McCoy, Wellman, Kuderer, Hasegawa, Lovelett, Wilson, C., Das, Nguyen and Hunt.

Brief History:

Committee Activity:

Education: 2/24/20, 2/25/20 [DPA].

Brief Summary of Bill (As Amended by Committee)

- Directs the Washington State School Directors' Association, in consultation with tribes, to develop by, January 1, 2021, a model policy and procedure to establish data sharing agreements between school districts and local tribes.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 17 members: Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist, Caldier, Callan, Corry, Harris, Ortiz-Self, Rude, Stonier, Thai, Valdez and Ybarra.

Staff: Megan Wargacki (786-7194).

Background:

Tribal Schools. There are seven state-tribal education compact schools in Washington. The Office of the Superintendent of Public Instruction (OSPI) is authorized to enter into education compacts with federally recognized American Indian tribes and dependent Indian

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communities in Washington. State-tribal education compact schools operate according to the terms of the compact and receive basic education and categorical program allocations from the state.

Six of the seven state-tribal education compact schools are also funded by the Bureau of Indian Education (BIE) and must operate according to the terms of their BIE grant or contract, and, if applicable, any inter-local agreement. There is also one tribal school that is not part of a compact with the OSPI and does not receive state funding.

The Office of Native Education within the OSPI provides assistance to school districts in meeting the educational needs of American Indian and Alaskan Native students. This office serves as a liaison between the OSPI and school districts, tribal governments, state-tribal education compact schools, tribal schools, native communities, parent/guardians of native children, and other groups and individuals.

Privacy for Student Education Records. The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records in schools that receive funding for United States Department of Education programs. Education records are defined as those records that are directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution. With some exceptions, personally identifiable information (PII) from a student's education record may not be released without the written consent of the parent or eligible student. Some exceptions are disclosure to school officials with a legitimate educational interest, to other schools to which a student is transferring, and to authorized representatives of state and local educational authorities for audit or evaluation of federal or state supported education programs.

Summary of Amended Bill:

By January 1, 2021, the Washington State School Directors' Association (WSSDA), in consultation and collaboration with tribes, must develop a model policy and procedure to establish data sharing agreements between school districts and local tribes.

In developing the model policy and procedure, the WSSDA must: (1) consult with the OSPI, the Office of Native Education, the Tribal Leaders Congress on Education, and local tribes; (2) consider model agreements developed by the BIE and model data sharing agreements and procedures developed by national native educational organizations; and (3) consider standards for the identification of native students for data sharing purposes. In addition, the model policy and procedure must be consistent with the requirements of FERPA.

Amended Bill Compared to Original Bill:

The amended bill explicitly states that the model policy and procedure must safeguard students' PII consistent with the requirements of FERPA.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This legislation was requested by the tribes. There has been some difficulty establishing data sharing agreements between tribes and their local school districts. This legislation will build bridges between tribes, the OSPI, and the WSSDA.

(Opposed) None.

Persons Testifying: Senator McCoy, prime sponsor; and Marissa Rathbone, Washington State School Directors' Association.

Persons Signed In To Testify But Not Testifying: None.