
Education Committee

2SSB 5593

Brief Description: Improving equity in the transfer of student data between K-12 schools and institutions of higher education.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Liias, Holy, Mullet, Lovick and Wilson, C.).

Brief Summary of Second Substitute Bill

- Requires institutions of higher education to enter into data-sharing agreements with the Office of the Superintendent of Public Instruction (OSPI) to facilitate the transfer of high school student directory information for purposes of informing students about postsecondary educational opportunities.
- Requires school districts to annually transmit directory information for all enrolled high school students to the OSPI and directs the OSPI to make that information available to institutions of higher education.
- Directs the OSPI to identify a process for making information about a student's enrollment in an institution of higher education available to the student's school district.

Hearing Date: 3/13/23

Staff: Ethan Moreno (786-7386).

Background:

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

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Department of Education (Department of Education) programs. Education records are defined as records that contain information directly related to a student and are 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 student if the student is 18 years of age or older. Examples of exceptions include 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.

Access to Student Information—Armed Forces Recruiters and Institutions of Higher Education. Federal laws governing elementary and secondary schools obligate school districts that receive funding for Department of Education programs to provide, upon a request of a military recruiter or an institution of higher education, access to the name, address, and telephone listing of each secondary school student served by the district, unless the parent of the student has submitted the prior consent request.

A parent of a high school student may submit a written request to the school district requesting that the student's name, address, and telephone listing not be released without prior written consent of the parent. Upon receiving the request, the school district is prohibited from releasing the student's name, address, and telephone listing without the prior written consent of the parent.

Student Education Records.

The parent or guardian of a student who is or has been in attendance at a school has the right to review all education records of the student. A school may not release a student's education records without the written consent of the student's parent or guardian, except as authorized by state law and FERPA.

Each school district board of directors must establish a procedure for:

- granting the request by a parent or guardian for access to the education records of his or her child; and
- prohibiting the release of student information without the written consent of the student's parent or guardian, after the parent or guardian has been informed what information is being requested, who is requesting the information and why, and what will be done with the information.

The Office of the Superintendent of Public Instruction.

In addition to its constitutional charge of supervising all matters pertaining to public schools, the Superintendent of Public Instruction and its office has numerous and broad responsibilities prescribed in statute, including:

- making rules and regulations necessary for the administration of public education requirements;
- preparing courses of study and other materials and books for the discharge of education

duties;

- fulfilling financial responsibilities, including distributing legislatively allocated funds to districts for the operation of the public school system, and awarding numerous state and federally funded grants; and
- satisfying numerous reporting and other duties assigned by the Legislature.

The State Board for Community and Technical Colleges.

The State Board for Community and Technical Colleges (SBCTC) is a nine-member, Governor-appointed board that has general supervision and control over Washington's system of 34 public community and technical colleges. Among other duties, the SBCTC is charged with:

- preparing a budget for the system of community and technical colleges;
- ensuring that each of the state's 30 college districts offers comprehensive educational, training, and service programs to meet the needs of communities and students; and
- preparing a comprehensive master plan for the development of community and technical college education and training.

Summary of Bill:

Institutions of Higher Education.

Institutions of higher education must enter into data-sharing agreements with the Office of the Superintendent of Public Instruction (OSPI) to facilitate the transfer of high school student directory information for the purpose of informing high school students about postsecondary educational opportunities available in the state.

The data-sharing agreements must provide for the sharing of student enrollment and outcome information from institutions of higher education to the OSPI. To the extent possible, the OSPI must transmit student enrollment information to the enrolled students' host districts for the current year.

Data-sharing agreements entered into by a community or technical college are limited to informing high school students of postsecondary educational opportunities available within a college's service district.

The State Board for Community and Technical Colleges may coordinate with the community and technical colleges to develop a single data-sharing agreement between the community and technical colleges and the OSPI.

School District Data Transfers.

In accordance with federal education laws governing access to student information, school districts that operate a high school must annually transmit directory information for all enrolled high school students to the OSPI by November 1. In transmitting the student information, school districts must comply with the consent procedures governing student education records, FERPA, and all applicable rules and regulations.

"Directory information" is defined using a federal law specifying that the term includes, but is not limited to: the student's name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; enrollment status; dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended. "Directory information" is also specified outside of the federal law provisions to include names, addresses, email addresses of students and legal guardians, and telephone numbers of students and legal guardians.

The student directory information data provided to the OSPI is solely for the following purposes:

- college awareness and admissions at institutions of higher education, a term meaning Washington's state universities, regional universities, The Evergreen State College, community colleges, and technical colleges; and
- providing enrollment and outcome information to OSPI and to school districts related to students from their respective school district.

The OSPI must hold the collected high school student directory information and make it available for institutions of higher education.

The OSPI, no later than the beginning of the 2025-26 school year, must identify a process for making information on a student's enrollment in an institution of higher education available to the student's school district.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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