

# SENATE BILL REPORT

## SSB 6053

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As Amended by House, February 29, 2024

**Title:** An act relating to improving equitable access to postsecondary education by improving data sharing between the office of the superintendent of public instruction, the Washington student achievement council, and institutions of higher education.

**Brief Description:** Improving equitable access to postsecondary education.

**Sponsors:** Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Holy, Lovick, Mullet, Nguyen, Shewmake, Valdez and Wilson, C.; by request of Student Achievement Council).

**Brief History:**

**Committee Activity:** Higher Education & Workforce Development: 1/12/24, 1/17/24 [DPS].

**Floor Activity:** Passed Senate: 2/1/24, 48-1.  
Passed House: 2/29/24, 85-11.

### Brief Summary of First Substitute Bill

- Requires the Washington Student Achievement Council (WSAC) 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 informing high school students of postsecondary financial aid and educational opportunities available in the state.
- Allows a nonpublic university, college, school, or institute in the state of Washington that is a member institution of an accrediting association recognized by rule of the WSAC to enter into student data-sharing agreements with OSPI.

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SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE

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*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.*

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## DEVELOPMENT

**Majority Report:** That Substitute Senate Bill No. 6053 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nobles, Chair; Hansen, Vice Chair; Holy, Ranking Member; Hawkins.

**Staff:** Benjamin Omdal (786-7442)

**Background:** Higher Education Data-Sharing Agreements. In 2023, the Legislature required public 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 to inform Washington high school students of postsecondary educational opportunities available in the state.

Data-sharing agreements must provide for the sharing of student enrollment and outcome information from institutions of higher education to OSPI and must include the statewide identifier for each student. To the extent feasible, OSPI shall transmit student enrollment information to the enrolled students' host districts for the current year and shall identify a process for making this information available to school districts by the 2025-26 school year.

Beginning in 2024, each school district that operates a high school must annually transmit directory information of all enrolled high school students to OSPI by November 1st. OSPI must hold this information and make the information available to the state's public institutions of higher education.

Agreements entered into between institutions of higher education and OSPI must obligate institutions that will receive information through an agreement to maintain the statewide student identifier for each student.

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

The State Board for Community and Technical Colleges (SBCTC) may coordinate with all CTCs to develop a single data-sharing agreement between the CTCs and OSPI.

When transmitting student information, school districts must comply with consent procedures under state and federal law as well as all applicable rules and regulations.

Washington Student Achievement Council. The Washington Student Achievement Council (WSAC) was created as a state agency in 2012. WSAC was charged to assume some of the remaining functions of its predecessor, the Higher Education Coordinating Board, and to propose higher education goals and strategic action planning. The executive director of

WSAC is appointed by the Governor who chooses from a list of names provided by WSAC.

The Family Educational Rights and Privacy Act. The Family Educational Rights and Privacy Act (FERPA) is a federal law that governs the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the United States Department of Education.

The law generally gives parents and guardians the right to inspect and review the student's education records and requires schools to obtain written permission from parents before disclosing any information from a student's educational record. Schools may disclose certain directory information without consent. Under federal law and regulations, directory information includes, among other items, the student's name, address, telephone number, date and place of birth, and electronic mail address.

Federal regulations under FERPA require that any educational agency or institution disclosing directory information must give public notice to parents or guardians about the following:

- the type of information it has designated as directory information;
- that a parent has a right to refuse to let the agency or institution designate any or all of those types as directory information; and
- the period of time in which the parent has to notify that they do not wish that information to be designated as directory.

The rights of parents and guardians under FERPA transfer to the student upon the student becoming 18 years of age. The board of directors of school districts are required under state law to establish a procedure for granting release requests by a parent or guardian for access to education records of their child and prohibiting the release of information without written consent including what information is being requested, who is requesting the information and why, and what will be done with the information.

**Summary of First Substitute Bill:** The WSAC must enter into data-sharing agreements with OSPI to facilitate the transfer of high school student directory information.

The purpose of the data sharing agreements for WSAC and institutions of higher education is modified to include postsecondary financial aid opportunities in addition to educational opportunities.

Agreements entered into between WSAC and OSPI must obligate WSAC to maintain the statewide student identifier for each student.

A nonpublic university, college, school, or institute in the state of Washington that is a member institution of an accrediting association recognized by rule of the Washington Student Achievement Council may enter into student data-sharing agreements with OSPI.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony on Original Bill.** *The committee recommended a different version of the bill than what was heard.* PRO: The bill attempts to remove a barrier to postsecondary opportunities by providing students information about financial aid possibilities. It is a challenge to get financial aid information to students; the bill would make it easier for WSAC to provide that information. One concern of the public institutions is clarifying roles between WSAC and institutions of higher education. The current process produces information gaps and administrative burdens. The bill will help reduce time on data collection and result in more time spent advising students. The bill streamlines the current collection of data. Granting WSAC access to these agreements would allow for more outreach from WSAC and a better spreading of resources.

**Persons Testifying:** PRO: Senator Jeff Holy, Prime Sponsor; Jacob Vigdor, University of Washington Faculty; Nora Selander, Western Washington University; Joel Anderson, Washington Student Achievement Council; Ranayjah Jackson; Kyra Sung, AS Leg Liaison South Puget Sound Community College.

**Persons Signed In To Testify But Not Testifying:** No one.

**EFFECT OF HOUSE AMENDMENT(S):**

- Removes ability of nonpublic universities, colleges, schools, or institutions in the state of Washington that are bachelor degree-granting institutions and member institutions of an accrediting association recognized by rule of WSAC to enter into data-sharing agreements with OSPI.
- Maintains ability of federally designated minority-serving institutions of higher education that are bachelor degree-granting institutions to enter into data-sharing agreements with OSPI.
- Modifies data-sharing agreements to require the Education Research and Data Center to share student enrollment and outcome information from institutions of higher education with OSPI.