

# HOUSE BILL REPORT

## SSB 5127

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**As Passed House:**

April 10, 2023

**Title:** An act relating to clarifying school districts' ability to redact personal information related to a student in any record maintained by the school district.

**Brief Description:** Clarifying school districts' ability to redact personal information related to a student.

**Sponsors:** Senate Committee on State Government & Elections (originally sponsored by Senators Wilson, C., Lovelett, Hasegawa, Hunt, Kuderer, Nobles, Saldaña, Stanford, Van De Wege and Wellman).

**Brief History:**

**Committee Activity:**

State Government & Tribal Relations: 3/22/23, 3/28/23 [DP].

**Floor Activity:**

Passed House: 4/10/23, 58-40.

**Brief Summary of Substitute Bill**

- Creates a new exemption to the Public Records Act for personal information in any records pertaining to a student currently or previously enrolled in a local education agency.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

**Majority Report:** Do pass. Signed by 4 members: Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Low.

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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.*

**Staff:** Jason Zolle (786-7124).

**Background:**

The Public Records Act.

The Public Records Act (PRA) generally requires state and local governmental entities to make many government records available to the public upon request. There are, however, over 500 statutory exemptions for certain records or information contained in records. A number of these exemptions are for personal information. The Washington Supreme Court has defined personal information as "information relating to or affecting a particular individual, information associated with private concerns, or information that is not public or general."

Such PRA exemptions include personal information:

- in any files maintained for students in public schools;
- for a child enrolled in licensed child care, in any files maintained by the Department of Children, Youth, and Families;
- for a child enrolled in a public or nonprofit program serving or pertaining to children, adolescents, or students, such as early learning or child care services, parks and recreation programs, and after-school programs; and
- for the family members or guardians of a child subject to these exemptions who share the same last name or reside at the same address, such that disclosure of the family member or guardian's information would result in disclosure of the child's.

**Summary of Bill:**

A new exemption is added to the PRA for personal information in any records pertaining to a student currently or previously enrolled in a local education agency, including correspondence, in addition to the existing exemption for personal information in any files maintained for students in public schools.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** 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 bill permits the redaction of a student's personal information before public release of any type of communication with a school, in order to help students feel safe. An entire correspondence is not redacted; just the personal information. This bill gives school districts clarity especially with respect to information that would jeopardize a student's

mental health and safety. It is unclear whether emails are protected from disclosure under current law. A student was outed as a member of the LGBTQ community because of an email released pursuant to a public records request. The school district was unsure whether they could redact it, but this bill provides clarity that such information may be redacted.

(Opposed) None.

**Persons Testifying:** Senator Claire Wilson, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.