

HOUSE BILL REPORT

2SSB 5593

As Passed House - Amended:

April 12, 2023

Title: An act relating to improving equity in the transfer of student data between K-12 schools and institutions of higher education.

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 History:

Committee Activity:

Education: 3/13/23, 3/20/23 [DPA];

Appropriations: 3/31/23, 4/3/23 [DPA(APP w/o ED)].

Floor Activity:

Passed House: 4/12/23, 89-8.

Brief Summary of Second Substitute Bill (As Amended by House)

- Requires the state's public institutions of higher education to enter into student data-sharing agreements with the Office of the Superintendent of Public Instruction (OSPI) for purposes of informing high school students about postsecondary educational opportunities.
- Permits certain minority-serving private institutions of higher education to enter into the student data sharing agreements with the OSPI.
- Requires school districts to annually transmit directory information for enrolled high school students to the OSPI and directs the OSPI to make that information available to institutions of higher education in accordance with the data-sharing agreements.

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.

- 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.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 14 members: Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist, Callan, Harris, McClintock, Ortiz-Self, Pollet, Sandlin, Steele, Stonier and Timmons.

Staff: Ethan Moreno (786-7386).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Education. Signed by 29 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg, Chandler, Chopp, Connors, Davis, Dye, Fitzgibbon, Hansen, Harris, Lekanoff, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Steele, Stonier and Tharinger.

Minority Report: Without recommendation. Signed by 1 member: Representative Pollet.

Staff: Jordan Clarke (786-7123).

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 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.

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 Office of the Superintendent of Public Instruction (OSPI) also operates a longitudinal student data system for and on behalf of school districts in the state. The primary purpose of the data system is to better aid research into programs and interventions that are most effective in improving student performance, better understand the state's public educator workforce, and provide information on areas within the educational system that need improvement. School districts that collect and submit information to the OSPI for the data system must use a unique statewide student identifier for each student.

Minority-Serving Institutions.

Minority-serving institutions are institutions of higher education that serve high concentrations of minority students who, historically, have been underrepresented in higher education. Financial resources are directed to minority-serving institutions through federal agencies and grant programs authorized under the Higher Education Act of 1965 and subsequent amendments to the federal law.

Minority-serving institutions include: American Indian Tribally Controlled Colleges and

Universities; Alaska Native and Native Hawaiian-serving institutions; predominantly Black institutions; Native American-serving, nontribal institutions; Asian American and Native American Pacific Islander-serving institutions; historically Black colleges and universities; and Hispanic-serving institutions.

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 Amended Bill:

Institutions of Higher Education.

Institutions of higher education, a term meaning Washington's state universities, regional universities, The Evergreen State College, community colleges, and technical colleges, 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.

Federally designated minority-serving institutions of higher education that are bachelor degree-granting institutions and not subject to the data-sharing agreement requirements for public institutions of higher education may enter into data-sharing agreements with the OSPI for the same purpose of informing students about postsecondary educational opportunities 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 and must include the statewide student identifier for each student. To the extent possible, the OSPI must transmit student enrollment information to the enrolled students' host districts for the current year.

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

"Statewide student identifier" is defined as the statewide student identifier that is required by state law and included in the longitudinal student data system of the OSPI.

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.

Beginning in 2024, each school district that operates 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, the Family Educational Rights and Privacy Act, and all applicable rules and regulations.

"Directory information" is defined as the names, addresses, email addresses, and telephone numbers of students and their parents or legal guardians.

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

- providing information related to college awareness and admissions at institutions of higher education; and
- providing enrollment and outcome information to the 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 in accordance with the data-sharing agreements.

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. This process must require that information provided to school districts include the statewide student identifier for each student.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Education):

(In support) Washington's four-year intuitions can only access student information by purchasing it from the College Board. Current data exchange practices miss a lot of student

information—not all students take the SAT, so the College Board information is incomplete. Institutions of higher education should not be required to purchase the information. The information requirements in this bill are narrowly crafted and parents can opt out. The platform for the data sharing called for in the bill does not exist. The bill initially applies to public institutions, a more limited group of participants, for purposes of developing the platform and making it work properly, but it could be expanded to include private institutions. The bill also includes provisions for information sharing from universities to school districts.

Public institutions of higher education are missing many students that do not know about higher education opportunities in Washington. Federal law requires student information to be provided to certain recipients, but also includes opt-out provisions. The OSPI has an existing platform that can be used to help let 40,000 students know about educational opportunities in the state.

Washington's direct college enrollment has declined. Making more student information available to colleges will help them provide all students with more information about the full array of postsecondary learning opportunities.

School districts are working hard to make sure that the transition to a university is as easy as the transition from middle school to high school. The transfer of student data is critical to this transition. Students are not taking the SAT at the same level as before, and more universities are making the SAT test optional for prospective students. This bill also requires university enrollment information to be shared with school districts and this will be useful.

Washington ranks forty-eighth in the nation for degree attainment. Students need information about educational opportunities.

This bill will help students reach their higher education goals. The availability of student data to colleges is critical to increasing higher education enrollment and is also an equity issue. Colleges should have the same access to student information as the military.

(Opposed) None.

(Other) Far fewer students are taking standardized tests, so universities are admitting students based on data exchanges and automatic admission practices. These practices are established at universities and made possible by data exchanges between universities and school districts. Data sharing practices proposed in the bill should be expanded to include private universities. A broad student data exchange with the OSPI would allow for a greater expansion of automatic admission practices.

Teachers try to create equity in access and admissions for students. With guaranteed admissions at some universities, these issues are addressed. The bill excludes independent

colleges, which will prevent many families from having the information needed to make education decisions.

Staff Summary of Public Testimony (Appropriations):

(In support) This policy will help schools reach students of all backgrounds, especially those not currently in the College Board system. The availability of College Board data to colleges and schools helps students by connecting them with resources and information about postsecondary educational options. With fewer students taking College Board tests, the data they provide is diminishing. Without the bill, there will be nothing to take its place. Those concerned about data privacy should consider that other organizations, like the military, already have access to the same data.

Please carefully consider changes that could expand the fiscal impact and limit the likelihood of the bill's passage. Approximately 40 percent of students in Washington do not continue to postsecondary institutions of any kind. The state ranks forty-eighth in the nation for participation in four-year college. Despite excellent postsecondary educational opportunities within the state, many families are not aware of the opportunities.

Like the national trend, enrollment in colleges in the state has dropped 9 percent from 2019 to 2021. It is smart policy to make students aware of the many postsecondary educational options they have, including workforce programs and academic transfer programs. There will be some fiscal impacts for community and technical colleges to use the statewide student identifier.

(Opposed) None.

(Other) Independent colleges would benefit from an amendment allowing not-for-profit institutions to participate in the data sharing agreements under the bill. It is important for high school students to learn about the wide range of options available in the state. Just 50 percent of high school graduates are continuing their education at a two- or four-year university. Independent colleges should be included in the bill so that students can find all the options available to them.

Persons Testifying (Education): (In support) Senator Marko Liias, prime sponsor; Jeff Charbonneau, Zillah School District; David Buri, Eastern Washington University; Nora Selander, Western Washington University; Christine McMullin, Washington State Board for Community and Technical Colleges; and Collin Bannister, Associated Students of Washington State University.

(Other) Michael Frechette, Pacific Lutheran University and Independent Colleges of Washington; and Scott Friedman.

Persons Testifying (Appropriations): (In support) Collin Bannister, Associated Students

of Washington State University; Ruben Flores, Council Of Presidents; and Christine McMullin, Washington State Board for Community and Technical Colleges.

(Other) Terri Standish-Kuon, Independent Colleges of Washington.

Persons Signed In To Testify But Not Testifying (Education): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.