

FINAL BILL REPORT

2SSB 5593

C 406 L 23
Synopsis as Enacted

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.).

Senate Committee on Early Learning & K-12 Education
Senate Committee on Ways & Means
House Committee on Education
House Committee on Appropriations

Background: 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. However, 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.

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.

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: Public institutions of higher education in Washington 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 to inform Washington high school students of 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 OSPI for the same purpose of informing students about postsecondary educational opportunities 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. "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 OSPI.

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 may coordinate with all of the 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.

Votes on Final Passage:

Senate	40	8	
House	89	8	(House amended)
Senate	41	8	(Senate concurred)

Effective: July 23, 2023