

SSB 5956 - H COMM AMD
By Committee on Education

NOT CONSIDERED 03/12/2026

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that an
4 increasing number of public schools throughout the United States are
5 beginning to use artificial intelligence, automated decision systems,
6 and surveillance technologies in ways that can affect student
7 discipline and school safety.

8 (2) The legislature further finds that such tools can amplify
9 existing disparities in student discipline and may result in
10 disproportionate monitoring and punishment of Black students,
11 indigenous students, students of color, students with disabilities,
12 LGBTQ students, and other students protected under chapters 49.60,
13 28A.640, and 28A.642 RCW.

14 (3) The legislature recognizes that Washington state has enacted
15 student privacy protections, including in chapter 28A.604 RCW and RCW
16 28A.605.030, and that the office of the superintendent of public
17 instruction has issued guidance on human-centered artificial
18 intelligence in education. However, existing laws and guidance do not
19 expressly address the use of artificial intelligence in automated
20 decision systems in student discipline and surveillance.

21 (4) Therefore, it is the intent of the legislature in this
22 initial act to:

23 (a) Prohibit the most harmful uses of artificial intelligence in
24 automated decision systems and surveillance technologies in K-12
25 public schools, including predictive "risk scores" for individual
26 students and real-time biometric tracking of students;

27 (b) Ensure that automated decision systems do not replace the
28 judgment of trained school personnel in discipline-related decisions;
29 and

30 (c) Direct the office of the superintendent of public instruction
31 to update their guidance and the Washington state school directors'
32 association to develop a model policy and procedures for school

1 districts, charter schools, and state-tribal education compact
2 schools consistent with these protections.

3 NEW SECTION. **Sec. 2.** The definitions in this section apply to
4 sections 3 through 6 of this act unless the context clearly requires
5 otherwise.

6 (1) "Artificial intelligence" means the use of machine learning
7 and related technologies that use data to train statistical models
8 for the purpose of enabling computer systems to perform tasks
9 normally associated with human intelligence or perception, such as
10 computer vision, speech or natural language processing, and content
11 generation.

12 (2) "Automated decision system" means any computational process,
13 including one derived from an artificial intelligence system, machine
14 learning, statistics, or other data processing techniques, that makes
15 or materially influences decisions or recommendations concerning a
16 student.

17 (3) "Biometric data" has the same meaning as in RCW 19.373.010.

18 (4) "Imminent" means the state or condition of being likely to
19 occur at any moment or near at hand, rather than distant or remote.

20 (5) "Likelihood of serious physical harm" means a substantial
21 risk that:

22 (a) Physical harm will be inflicted by the student upon the
23 student's own person, as evidenced by threats or attempts to commit
24 suicide, or inflict physical harm on oneself; or

25 (b) Physical harm will be inflicted by the student upon another,
26 as evidenced by behavior that places another person or persons in
27 reasonable fear of sustaining such physical harm.

28 (6) "Public school" has the same meaning as in RCW 28A.150.010.

29 (7) "School service provider" has the same meaning as in RCW
30 28A.604.010.

31 (8) "School surveillance technology" means any technology,
32 service, or system used by or on behalf of a school district or
33 public school to monitor, track, or record student behavior,
34 location, communications, biometrics, or online activity including,
35 but not limited to, video analytics, network monitoring tools, and
36 biometric systems.

37 (9) "Student discipline-related decision" means any decision by a
38 school district or public school, or an employee or contractor of the

1 school district or public school, that results in or materially
2 contributes to:

3 (a) Suspension, expulsion, or emergency removal under chapter
4 28A.600 RCW;

5 (b) Exclusion from class, activities, or transportation; or

6 (c) Assignment to an alternative education setting for
7 disciplinary reasons.

8 (10) "Student personal information" has the same meaning as in
9 RCW 28A.604.010.

10 NEW SECTION. **Sec. 3.** (1) An automated decision system may not
11 be the sole or determinative basis for any student discipline-related
12 decision.

13 (2) No student may be emergency removed, suspended, expelled,
14 referred to law enforcement, or assigned to an alternative education
15 setting based solely on:

16 (a) A prediction, score, or classification generated by an
17 automated decision system; or

18 (b) Data from a school surveillance technology, without
19 independent human investigation and consideration of context.

20 (3) Student discipline-related decisions remain subject to all
21 requirements under state law, including protections against
22 discrimination and requirements for due process.

23 (4) For the purposes of this subsection, "independent human
24 investigation" means a good faith review conducted by an authorized
25 school employee or contractor who: Reviews the school surveillance
26 technology data; assesses the accuracy and reliability of that data;
27 and documents the investigation and the basis for the final
28 determination.

29 NEW SECTION. **Sec. 4.** (1) A school district or public school may
30 not:

31 (a) Use an automated decision system as the sole or determinative
32 basis to generate a "risk score" or similar predictive classification
33 for an individual student that purports to measure the student's
34 likelihood of misconduct, gang affiliation, criminal behavior,
35 targeted violence, or future disciplinary problems; or

36 (b) Add a student to, remove a student from, or modify a
37 student's status on any internal lists or watchlists of students

1 designated as likely perpetrators of violence or serious misconduct
2 wholly based on an automated decision system.

3 (2) A school district or public school may not enter into any
4 contract with a vendor or school service provider that requires or
5 authorizes the vendor or school service provider to engage in the
6 activities prohibited under subsection (1) of this section.

7 NEW SECTION. **Sec. 5.** (1) A school district or public school may
8 not use biometric data to generate or infer emotional states, mental
9 health conditions, sexual orientation, gender expression, gender
10 identity, or other sensitive psychological or personal
11 characteristics of a student.

12 (2) The prohibitions in this section do not apply to:

13 (a) The voluntary use of biometrics by an adult employee solely
14 for secure access to facilities or devices;

15 (b) Uses required by federal law, provided that such uses are
16 narrowly limited to what federal law requires and are not used for
17 student discipline-related decisions; or

18 (c) The use of biometric data to measure student engagement
19 metrics for the sole purpose of informing educator professional
20 development.

21 (3)(a) A school employee or contractor may access student
22 biometric data only to the extent reasonably necessary to perform
23 duties expressly authorized under this chapter or other applicable
24 law.

25 (b) Student biometric data may be retained only for the period
26 reasonably necessary to fulfill the specific purpose for which the
27 data was collected or authorized, after this time the data must be
28 securely destroyed, subject to applicable state and federal records
29 retention requirements.

30 (4) A school district or public school may not enter into any
31 contract with a vendor or school service provider that requires or
32 authorizes the vendor or school service provider to engage in the
33 activities prohibited under this section. Any contract with a vendor
34 or school service provider must require compliance with the
35 provisions of this section.

36 (5) For the purposes of this subsection, "student engagement
37 metrics" means observable student participation indicators, such as
38 time-on-task or participation frequency. "Student engagement metrics"

1 does not include facial expression analysis, affect recognition, or
2 psychological profiling.

3 NEW SECTION. **Sec. 6.** (1) Student personal information obtained
4 or generated through an artificial intelligence system, automated
5 decision system, or school surveillance technology may be disclosed
6 to law enforcement only:

7 (a) When required by state or federal law, including a court
8 order; or

9 (b) When there is an imminent likelihood of serious physical harm
10 on school grounds or at a school-sponsored event, and the disclosure
11 is limited to the minimum information reasonably necessary to respond
12 to that threat.

13 (2) Disclosures under this section must remain consistent with
14 RCW 28A.600.475, 28A.605.030, and applicable federal law, including
15 the federal family educational rights and privacy act of 1974, 20
16 U.S.C. Sec. 1232g.

17 NEW SECTION. **Sec. 7.** Each school service provider, contractor,
18 vendor, or other third party subject to the provisions of this
19 chapter shall annually submit to the office of the superintendent of
20 public instruction a written certification of compliance with this
21 chapter in a form prescribed by the office. The certification must
22 attest that the third party's products, services, and data practices
23 comply with the prohibitions and requirements of this chapter.

24 NEW SECTION. **Sec. 8.** (1) Nothing in this chapter or RCW
25 43.386.080 may be construed to limit or impair the authority of a
26 school district, public school, or employee or contractor of these
27 entities to take corrective action or impose student discipline as
28 authorized under state law.

29 (2) Nothing in this chapter or RCW 43.386.080 requires deletion
30 of records that must be maintained or reported under state or federal
31 law, including records required for student discipline data reporting
32 and applicable records retention requirements under chapter 40.14
33 RCW.

34 (3) Nothing in this chapter or RCW 43.386.080 prohibits an
35 educational service district, school district, public school, or
36 employee or contractor of these entities from gathering and analyzing
37 nonbiometric information about a student's behavior with an automated

1 decision system to determine a level of concern, which is used to
2 develop and implement supportive interventions to promote positive
3 behavior development and to promote a safe, supportive teaching and
4 learning environment.

5 **Sec. 9.** RCW 43.386.080 and 2020 c 257 s 11 are each amended to
6 read as follows:

7 (1) ((A)) Except as provided in subsection (8) of this section, a
8 state or local government agency may not use a facial recognition
9 service to engage in ongoing surveillance, conduct real-time or near
10 real-time identification, or start persistent tracking unless:

11 (a) A warrant is obtained authorizing the use of the service for
12 those purposes;

13 (b) Exigent circumstances exist; or

14 (c) A court order is obtained authorizing the use of the service
15 for the sole purpose of locating or identifying a missing person, or
16 identifying a deceased person. A court may issue an ex parte order
17 under this subsection (1)(c) if a law enforcement officer certifies
18 and the court finds that the information likely to be obtained is
19 relevant to locating or identifying a missing person, or identifying
20 a deceased person.

21 (2) A state or local government agency may not apply a facial
22 recognition service to any individual based on their religious,
23 political, or social views or activities, participation in a
24 particular noncriminal organization or lawful event, or actual or
25 perceived race, ethnicity, citizenship, place of origin, immigration
26 status, age, disability, gender, gender identity, sexual orientation,
27 or other characteristic protected by law. This subsection does not
28 condone profiling including, but not limited to, predictive law
29 enforcement tools.

30 (3) A state or local government agency may not use a facial
31 recognition service to create a record describing any individual's
32 exercise of rights guaranteed by the First Amendment of the United
33 States Constitution and by Article I, section 5 of the state
34 Constitution.

35 (4) A law enforcement agency that utilizes body worn camera
36 recordings shall comply with the provisions of RCW 42.56.240(14).

37 (5) A state or local law enforcement agency may not use the
38 results of a facial recognition service as the sole basis to
39 establish probable cause in a criminal investigation. The results of

1 a facial recognition service may be used in conjunction with other
2 information and evidence lawfully obtained by a law enforcement
3 officer to establish probable cause in a criminal investigation.

4 (6) A state or local law enforcement agency may not use a facial
5 recognition service to identify an individual based on a sketch or
6 other manually produced image.

7 (7) A state or local law enforcement agency may not substantively
8 manipulate an image for use in a facial recognition service in a
9 manner not consistent with the facial recognition service provider's
10 intended use and training.

11 (8) (a) A school district or public school may not use a facial
12 recognition service to engage in ongoing surveillance, conduct real-
13 time or near real-time identification, or start persistent tracking
14 of students.

15 (b) For the purposes of this subsection, "public school" has the
16 same meaning as in RCW 28A.150.010.

17 NEW SECTION. Sec. 10. A new section is added to chapter 28A.300
18 RCW to read as follows:

19 During its regular review cycle, the office of the superintendent
20 of public instruction shall, in consultation with students, families,
21 educators, and communities disproportionately impacted by discipline
22 and surveillance, update its guidance on human-centered artificial
23 intelligence in K-12 education to reflect the prohibitions and
24 requirements in chapter 28A.--- (the new chapter created in section
25 16 of this act) and to address the use of artificial intelligence
26 systems, automated decision systems, and school surveillance
27 technologies in connection with student discipline-related decisions
28 and school safety.

29 NEW SECTION. Sec. 11. A new section is added to chapter 28A.345
30 RCW to read as follows:

31 (1) By February 1, 2027, the Washington state school directors'
32 association must develop, and periodically update, a model policy and
33 procedure that school districts, charter schools, and state-tribal
34 education compact schools may adopt or adapt to reflect the
35 prohibitions and implement the requirements in chapter 28A.--- (the
36 new chapter created in section 16 of this act).

1 (2) The Washington state school directors' association must
2 maintain the model policy and procedure on its website at no cost to
3 school districts.

4 (3) The model policy and procedure must align with the office of
5 the superintendent of public instruction's guidance described in
6 section 10 of this act and must address:

7 (a) Human oversight of artificial intelligence systems and
8 automated decision systems;

9 (b) Strategies to avoid discriminatory or disproportionately
10 harmful impacts on students with protected class status under
11 chapters 49.60, 28A.640, and 28A.642 RCW; and

12 (c) Appropriate questions and criteria for evaluating vendors and
13 tools that rely on artificial intelligence or automated decision
14 systems in school settings.

15 NEW SECTION. **Sec. 12.** (1) By October 1, 2027, and in compliance
16 with RCW 43.01.036, the educational opportunity gap oversight and
17 accountability committee created under RCW 28A.300.136, the state
18 school safety center established in RCW 28A.300.630, and the regional
19 school safety centers established in RCW 28A.310.510, must
20 collaborate to submit a report to the appropriate committees of the
21 legislature.

22 (2) The report required by subsection (1) of this section must
23 include findings and recommendations regarding the implementation of
24 this act and the use of artificial intelligence, automated decision
25 systems, and school surveillance technology, including facial
26 recognition services, in school districts and public schools,
27 including:

28 (a) The adequacy and effectiveness of human review requirements,
29 including documentation standards and authority to override automated
30 outputs;

31 (b) Strategies to identify, monitor, and mitigate discriminatory
32 or disproportionate impacts on students, including recommended data
33 management and compliance practices;

34 (c) Minimum standards for vendor and third-party contracting,
35 evaluation, and data governance; and

36 (d) Recommended statutory, regulatory, and policy modifications
37 to improve implementation, oversight, and accountability.

38 (3) The collaborating entities may solicit input from school
39 districts, public schools, educators, students, students' families,

1 civil rights organizations, vendors, and other applicable subject-
2 matter experts.

3 (4) This section expires July 1, 2028.

4 NEW SECTION. **Sec. 13.** A new section is added to chapter 28A.710
5 RCW to read as follows:

6 Sections 2 through 8 of this act and RCW 43.386.080 govern school
7 operation and management under RCW 28A.710.040 and apply to charter
8 schools established under this chapter.

9 NEW SECTION. **Sec. 14.** A new section is added to chapter 28A.715
10 RCW to read as follows:

11 Sections 2 through 8 of this act and RCW 43.386.080 govern school
12 operation and management under RCW 28A.715.020 and apply to state-
13 tribal education compact schools subject to this chapter.

14 NEW SECTION. **Sec. 15.** A new section is added to chapter 72.40
15 RCW to read as follows:

16 The center for deaf and hard of hearing youth and the state
17 school for the blind must comply with the requirements in sections 2
18 through 8 of this act and RCW 43.386.080 to the same extent as school
19 districts.

20 NEW SECTION. **Sec. 16.** Sections 1 through 8 of this act
21 constitute a new chapter in Title 28A RCW."

22 Correct the title.

EFFECT: Automated Decision Making and Human Review:

(1) Revises the prohibition on maintaining internal lists or watch lists of students designated as likely perpetrators of violence or serious misconduct wholly based on an automated decision system to instead prohibit adding a student to, removing a student from, or modifying a student's status on such a list wholly based on an automated decision system.

(2) Adds, for purposes of prohibiting certain student disciplinary actions or referrals to law enforcement based solely on data from a school surveillance technology without independent human investigation and consideration of context, a definition of "independent human investigation" to mean a good faith review conducted by an authorized school employee or contractor who: (a) Reviews the information or evidence that materially contributed to the automated output; (b) assesses the accuracy and reliability of that information; (c) considers relevant contextual circumstances; (d) exercises independent judgment and is not required to defer to

the automated output; and (e) documents the investigation and the basis for the final determination.

Biometric Data Protections:

(3) Prohibits a school employee or contractor from accessing student biometric data except to the extent reasonably necessary to perform duties expressly authorized under the bill or other applicable law.

(4) Limits retention of student biometric data to the period reasonably necessary to fulfill the specific purpose for which the data was collected or authorized, after this time the data must be securely destroyed, subject to applicable state and federal records retention requirements.

(5) Adds, for purposes of authorizing the use of biometric data to measure student engagement metrics solely to inform educator professional development, a definition of "student engagement metrics" to mean observable participation indicators, such as time-on-task or participation frequency, and to exclude facial expression analysis, affect recognition, or psychological profiling.

Vendor and Third-Party Requirements:

(6) Prohibits a school district or public school from entering into a contract with a vendor or school service provider that authorizes the vendor or school service provider to engage in prohibited activities related to use of biometric data and requires such contracts to mandate compliance with the biometric data provisions.

(7) Requires each contractor, vendor, or other third party subject to the bill to annually submit to the Office of the Superintendent of Public Instruction (OSPI) a written certification of compliance attesting that the third party's products, services, and data practices comply with the bill's prohibitions and requirements.

Implementation and Recommendations Report:

(8) Requires the Educational Opportunity Gap Oversight and Accountability Committee, the State School Safety Center, and the Regional School Safety Centers to collaborate on a report to the Legislature by October 1, 2027, including findings and recommendations regarding: (a) Implementation of the bill; (b) the adequacy and effectiveness of human review requirements; (c) strategies to identify and mitigate discriminatory or disproportionate impacts; (d) minimum standards for vendor and third-party contracting and evaluation; and (e) recommended policy modifications to improve implementation and accountability.

Scope Expansion:

(9) Extends the bill's requirements and prohibitions for school districts, charter schools, and state-tribal compact schools to all public schools, the Center for Deaf and Hard of Hearing Youth, and the School for the Blind.

(10) Uses the School Code definition of "public school" (the common schools as referred to in Article IX of the state Constitution, charter schools, and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense).

Definition Revisions:

(11) Uses the definition of "artificial intelligence" created by the Legislature when it established the Artificial Intelligence Task Force (the use of machine learning and related technologies that use data to train statistical models for the purpose of enabling computer systems to perform tasks normally associated with human intelligence or perception, such as computer vision, speech or natural language processing, and content generation), rather than the following definition: Any machine-based system that, for explicit or implicit

objectives, infers from the data it receives how to generate outputs, such as predictions, content, recommendations, or decisions that can influence real or virtual environments.

(12) Uses the definition of "biometric data" from the Washington My Health My Data Act (data that is generated from the measurement or technological processing of an individual's physiological, biological, or behavioral characteristics and that identifies a consumer, whether individually or in combination with other data. Biometric data includes, but is not limited to: Imagery of the iris, retina, fingerprint, face, hand, palm, vein patterns, and voice recordings, from which an identifier template can be extracted; or keystroke patterns or rhythms and gait patterns or rhythms that contain identifying information), rather than the following definition: Data generated from the measurement or technical analysis of a student's physical, biological, or behavioral characteristics including, but not limited to, facial geometry, voiceprint, gait, fingerprints, or iris patterns.

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