
Education Committee

SSB 5956

Brief Description: Addressing artificial intelligence, student discipline, and surveillance in public schools.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Nobles, Wellman, Chapman, Frame, Hasegawa, Orwall, Salomon, Shewmake, Slatter, Valdez and Wilson, C.).

Brief Summary of Substitute Bill

- Prohibits school districts and public schools from using automated decision systems, facial recognition services and other school surveillance technology, or biometric data to make certain decisions or take specified actions.
- Directs the Office of the Superintendent of Public Instruction (OSPI) to update its guidance on using artificial intelligence in schools to address these requirements.
- Requires the Washington State School Directors' Association to develop a model policy and procedure that aligns with the OSPI's guidance and addresses specified topics.

Hearing Date: 2/18/26

Staff: Megan Wargacki (786-7194).

Background:

Student Discipline.

Each school district is required by law to adopt student conduct and discipline policies that

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describe student's rights and responsibilities and the authorities of educators to discipline students.

Disciplinary actions include classroom exclusions, emergency removals, suspensions, and expulsions. Each school district must collect data on student disciplinary actions. School districts must use the data, disaggregated by race, ethnicity, income status, and specified program categories, to monitor the impact of discipline policies and to identify and address disparities.

Each charter school and state-tribal education compact school is required by the terms of the charter or compact to comply with applicable student discipline laws.

School-Based Threat Assessments.

Each school district must establish a formal process for a multidisciplinary team to evaluate threatening or potentially threatening student behavior and the circumstances surrounding that behavior to determine whether the threat is credible and likely to be carried out.

The threat assessment process must: (1) be prompted by the student's behavior rather than the student's demographics or personal characteristics; (2) plan for behavior management or intervention, when warranted; and (3) prohibit suspension or expulsion solely based on the threat assessment.

School Service Providers.

School service providers must follow certain requirements related to the collection, use, and disclosure of student personal information. A school service provider is an entity that operates an online service designed and marketed primarily for elementary or secondary school use, is used at the direction of school employees, and collects, maintains, or uses student personal information.

School service providers are prohibited from using student personal information to create a personal profile of a student except to support purposes authorized by the educator or school, or with the consent of the student or the student's parent or guardian.

Provided that the recommendation or response is not determined, in whole or in part, by payment or other consideration from a third party, school service providers may use student personal information to: (1) provide recommendations for school, educational, or employment purposes; or (2) respond to a student's request for information or feedback.

Student Data Privacy.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of personally identifiable information (PII) contained in student education records. With limited exceptions, PII from a student's education record may not be disclosed without the written consent of the parent, guardian, or eligible student.

The FERPA permits disclosure of PII without consent under specified conditions, including: (1)

to a contractor or service provider performing institutional services or functions on behalf of a school, subject to certain requirements; (2) to comply with a judicial order or lawfully issued subpoena; (3) in connection with a health or safety emergency; or (4) to the victim of an alleged perpetrator of certain crimes.

Guidance on the Use of Artificial Intelligence in Schools.

In 2024 the Office of the Superintendent of Public Instruction published the third version of its *Human-Centered AI Guidance for K-12 Public Schools*. The guidance provides definitions, outlines guiding principles and values, offers considerations for creating human-centered artificial intelligence (AI) learning environments and policies, identifies best practices for embedding AI into curriculum design and student engagement strategies, and discusses ethical considerations related to AI use in education.

Facial Recognition Services.

A state or local government agency may not use a facial recognition service to engage in ongoing surveillance, conduct real-time or near-real-time identification, or initiate persistent tracking unless a warrant authorizes the use, exigent circumstances exist, or a court order authorizes the use to locate or identify a missing or deceased person.

Summary of Bill:

Requirements for Public Schools.

Student Discipline. A school district, charter school, or state-tribal education compact school may not use an automated decision system as the sole or determinative basis for any discipline-related decisions affecting students. An automated decision system means any computational process, including one derived from an artificial intelligence (AI) system, machine learning, statistics, or other data processing techniques, that makes or materially influences decisions or recommendations concerning a student.

No student may be emergency removed, suspended, expelled, referred to law enforcement, or assigned to an alternative setting based solely on:

- a prediction, score, or classification generated by an automated decision system; or
- data from a school surveillance technology without independent human investigation and consideration of context. "School surveillance technology" means any technology, service, or system used to monitor, track, or record student behavior, location, communications, biometrics, or online activity including video analytics, network monitoring tools, and biometric systems.

Predictive Profiling. A school district, charter school, or state-tribal education compact school may not use, or enter into a contract to use, an automated decision system as the sole or determinative basis to generate a "risk score" or similar predictive classification for an individual student that purports to measure the student's likelihood of misconduct, gang affiliation, criminal behavior, targeted violence, or future disciplinary problems. A school district, charter school, or

state-tribal education compact school may not maintain, or enter into a contract to maintain, internal lists or watchlists of students designated as likely perpetrators of violence or serious misconduct wholly based on an automated decision system.

Biometric Data. A school district, charter school, or state-tribal education compact school may not use biometric data to generate or infer emotional states, mental health conditions, sexual orientation, gender expression, gender identity, or other sensitive psychological or personal characteristics of a student. "Biometric data" means data generated from the measurement or technical analysis of a student's physical, biological, or behavioral characteristics, for example facial geometry, voiceprint, gait, fingerprints, or iris patterns. The prohibition on using biometric data does not apply to: (1) the voluntary use of biometrics by an adult employee solely for secure access to facilities or devices; (2) uses required by federal law, provided that such uses are narrowly limited to what federal law requires and are not used for discipline-related decisions affecting students; or (3) the use of biometrics to determine student engagement when it is used solely for the purposes of informing educator professional development.

Disclosure of Student Personal Information. A school district, charter school, or state-tribal education compact school may disclose student personal information obtained or generated through an AI system, automated decision system, or school surveillance technology to law enforcement, consistent with other federal and state law, only:

- when required by state or federal law; or
- when there is an imminent likelihood of serious physical harm on school grounds or at a school-sponsored event and the disclosure is limited to the minimum information reasonably necessary to respond to that threat.

Facial Recognition. Without exception, a school district, charter school, or state-tribal compact school may not use a facial recognition service to engage in ongoing surveillance, conduct real-time or near-real-time identification, or start persistent tracking of students.

State Guidance.

During its regular review cycle, the Office of the Superintendent of Public Instruction (OSPI), in consultation with students, families, educators, and communities disproportionately impacted by discipline and surveillance, must update its guidance on *Human-Centered Artificial Intelligence in K-12 Education* to address the use of AI systems, automated decision systems, and school surveillance technologies in connection with discipline-related decisions affecting students and school safety, and to reflect the prohibitions and requirements of this bill.

Model Policy and Procedure.

By February 1, 2027, the Washington State School Directors' Association (WSSDA) must develop, and periodically update, a model policy and procedure that school districts, charter schools, and state-tribal education compact schools may adopt or adapt to reflect the prohibitions and implement the requirements of this bill.

The model policy and procedure must align with the OSPI's guidance and must address: (1)

human oversight of AI systems and automated decision systems; (2) strategies to avoid discriminatory or disproportionately harmful impacts on students with protected class status; and (3) appropriate questions and criteria for evaluating vendors and tools that rely on AI or automated decision systems in school settings.

The WSSDA must maintain the model policy and procedure on its website at no cost to school districts.

Appropriation: None.

Fiscal Note: Available.

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