

SENATE BILL REPORT

SSB 5956

As Passed Senate, February 10, 2026

Title: An act relating to artificial intelligence, student discipline, and surveillance in public schools.

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 History:

Committee Activity: Early Learning & K-12 Education: 1/14/26, 1/22/26 [DPS, w/oRec].

Floor Activity: Passed Senate: 2/10/26, 35-13.

Brief Summary of First Substitute Bill

- Prohibits certain decisions and actions related to student discipline and school safety based on automated decision systems, school surveillance technology, biometric data, and facial recognition services.
- Directs the Office of the Superintendent of Public Instruction to update its guidance on artificial intelligence in K-12 education to address automated decision systems and school surveillance technologies.
- Tasks the Washington State School Directors' Association with developing a model policy and procedure that schools may adopt or adapt to implement these requirements.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5956 be substituted therefor, and the substitute bill do pass.

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.

Signed by Senators Wellman, Chair; Nobles, Vice Chair; Wilson, C., Vice Chair; Harris, Ranking Member; Cortes, Hansen and Krishnadasan.

Minority Report: That it be referred without recommendation.

Signed by Senators Dozier and McCune.

Staff: Ailey Kato (786-7434)

Background: Office of the Superintendent of Public Instruction Guidance. In 2024, the Office of the Superintendent of Public Instruction (OSPI) published *Human-Centered AI Guidance for K-12 Public Schools*. The document provides an introduction of how to use artificial intelligence (AI) in educational contexts including a framework to guide decision-making, definitions, guiding principles, and values. It also includes a guide for classroom use and ethical considerations.

Student Discipline. State law requires school board directors to adopt reasonable written rules regarding student conduct, discipline, and rights in accordance with federal and state law and rules and the Washington State School Director's Association's (WSSDA's) model policies and procedures related to student discipline. State law and rules address requirements related to emergency removals, suspensions, and expulsions.

Nondiscrimination Laws. State law prohibits discrimination in Washington public schools on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, homelessness, immigration or citizenship status, the presence of any sensory, mental, or physical disability, neurodivergence, or the use of a trained dog guide or service animal by a person with a disability.

School districts are required to use disaggregated data to monitor the impact of the school district's discipline policies and procedures. Specifically, OSPI rule requires school districts and charter schools to annually review data on corrective and disciplinary actions taken against students within each school disaggregated by sex, race, limited-English proficiency, and disability. School districts and charter schools must determine whether it has disciplined or applied corrective action to a substantially disproportionate number of students within any of the identified categories and to take prompt action to ensure that the disproportion is not the result of discrimination.

School Service Providers. State law sets out certain requirements and prohibitions for school service providers related to the collection, use, and sharing of student personal information. School service provider means an entity that operates a website, mobile application, or online service that is designed and marketed primarily for use in a K-12 school, used at the direction of school employees, and collects, maintains, or uses student personal information.

Facial Recognition Service and Surveillance. In 2020, state and local government agencies were prohibited from using facial recognition services to engage in ongoing surveillance, conduct real-time or near real-time identification, or start persistent tracking unless a warrant is obtained, exigent circumstances exist, or a court order is obtained for locating or identifying a missing or deceased person.

Summary of First Substitute Bill: Facial Recognition Service and Surveillance. Without exception, school districts 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.

Prohibitions. School districts, charter schools, and state-tribal education compact schools are prohibited from the following:

- using an automated decision system to be the sole or determinative basis for any student discipline-related decision;
- imposing an emergency removal, suspension, or expulsion; referring to law enforcement; or assigning to an alternative education setting based solely on:
 1. a prediction, score, or classification generated by an automated decision system; or
 2. data from a school surveillance technology, without independent human investigation and consideration of context;
- using an automated decision system as the sole or determinative basis to generate a risk score or similar predictive classification for an individual student;
- maintaining internal lists or watchlists of students wholly based on an automated decision system;
- entering into a contract with a vendor or school service provider that requires or authorizes the vendor or provider to engage in these prohibited activities; and
- using 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 unless there is an exception.

The prohibition on biometric data does not apply to:

- the voluntary use of biometrics by an adult employee solely for secure access to facilities or devices;
- uses required by federal law; and
- the use of biometrics to determine student engagement when it is used solely for the purposes of informing educator professional development.

Student personal information obtained through an AI system, automated decision system, or school surveillance technology may be disclosed to law enforcement only when:

- it is required by state or federal law, including a court order; or
- there is an imminent likelihood of serious physical harm on school grounds or at a school-sponsored event, and the disclosure is limited.

Nothing may be construed to limit or impair the authority of a school district, school, or employee to take corrective action or impose student discipline as authorized under state law. Nothing requires deletion of records that must be maintained or reported under state or federal law, including records required for student discipline data reporting and applicable records retention requirements. Nothing prohibits an educational service district, school district, school, or employee or contractor of these entities from gathering and analyzing nonbiometric information about a student's behavior with an automated decision system to determine a level of concern, which is used to develop and implement supportive interventions to promote positive behavior development and to promote a safe, supportive teaching and learning environment.

Definitions are provided for nine terms.

Office of the Superintendent of Public Instruction Guidance. During its regular review cycle, OSPI must, in consultation with students, families, educators, and certain communities, update its guidance on AI in K-12 education to reflect these prohibitions and requirements, and to address the use of these technologies in connection with student discipline-related decisions and school safety.

Model Policy. By February 1, 2027, 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 implement the requirements. The model must align with OSPI's guidance and address:

- human oversight of AI systems and automated decision systems;
- strategies to avoid discriminatory or disproportionately harmful impacts on students with protected classes under state law; and
- appropriate questions and criteria for evaluating vendors and tools that rely on AI or automated decision systems in school settings.

Appropriation: None.

Fiscal Note: Requested on January 15, 2026.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Educational institutions are working hard to determine how AI can support learning and safety, but these tools need to have guardrails to protect students. Schools across the country are starting to use automated decision systems for student safety, but these systems lack transparency, especially when there is no human oversight. Minoritized students face disproportionate rates of discipline. Automated decision systems can have racial and gender bias built into them. This bill will

help make sure these tools do not amplify or magnify existing disparities and impact students of color and other protected groups disproportionately. Decisions that impact students' future must be made by people and not algorithms. This bill does not prevent schools from responding to real threats. This bill will help Washington become a leader on this topic.

Persons Testifying: PRO: Senator T'wina Nobles, Prime Sponsor; Derick Harris, Black Education Strategy Roundtable; Jonathan Pincus, The Nexus of Privacy.

Persons Signed In To Testify But Not Testifying: No one.