

---

**SUBSTITUTE SENATE BILL 5784**

---

**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senate State Government, Tribal Affairs & Elections (originally sponsored by Senator Hasegawa)

READ FIRST TIME 02/04/26.

1 AN ACT Relating to agency demographic data collection; reenacting  
2 and amending RCW 28A.300.042; and adding a new chapter to Title 42  
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the state uses  
6 demographic data to measure the efficacy of state-supported programs  
7 and determine equity of opportunity and access to many state  
8 programs. The legislature further finds that chapter 310, Laws of  
9 2021 instructed the joint legislative audit and review committee to  
10 perform racial equity analyses as part of its audits of state  
11 agencies and programs, yet the committee is unable to fulfill this  
12 mandate because most state agencies do not collect the necessary data  
13 to fulfill this mission.

14 The legislature further finds that the federal government office  
15 of management and budget published statistical policy directive  
16 number 15: Standards for maintaining, collecting, and presenting  
17 federal data on race and ethnicity, the goal of which is to ensure  
18 the comparability of race and ethnicity across federal data sets and  
19 to maximize the quality of the data by ensuring the format, language,  
20 and procedures for collecting the data are consistent. While  
21 statistical policy directive number 15 provides a minimum set of

1 categories that all federal agencies must use when collecting  
2 information on race and ethnicity, that minimum is insufficient for  
3 the state of Washington because of its great diversity of  
4 ethnicities, cultures, backgrounds, and experiences.

5 The legislature intends for all state agencies to collect  
6 demographic data, beyond those minimum categories listed in  
7 statistical policy directive number 15, in sufficient categories and  
8 subcategories appropriate for the programs being analyzed. For  
9 example, the Asian demographic must be broken down into as many  
10 subcategories of ethnicities as is necessary to measure the efficacy  
11 of our state-supported programs and determine the efficacy and equity  
12 of opportunity and access to those being evaluated. At a minimum, the  
13 Asian category must be disaggregated by subcategories including  
14 Chinese, Vietnamese, Filipino, Korean, Japanese, and Indian. Further  
15 disaggregation of the subcategories may be necessary depending on the  
16 circumstances such as disaggregating: Southeast Asians by Cambodian-  
17 Khmer, Thai, Lao, Mien, or Hmong; Pacific Islanders by compacts of  
18 free association states, Samoan, or Chamorro; or by language such as  
19 Cantonese, Mandarin, or Taishan. It is important for agencies and  
20 program administrators to understand that the Asian demographic is  
21 not one monolithic common demographic with the same needs or  
22 cultures. Therefore, the legislature finds that analyses of state  
23 agencies and programs must be based on the appropriate data set  
24 collected with regard to the appropriate target demographic  
25 categories and subcategories state programs are impacting.

26 NEW SECTION. **Sec. 2.** The definitions in this section apply  
27 throughout this chapter unless the context clearly requires  
28 otherwise.

29 (1) "Agency" means any state board, commission, bureau,  
30 committee, department, institution, division, or tribunal in the  
31 legislative, executive, or judicial branch of state government.  
32 "Agency" includes all elective offices, the state legislature, those  
33 institutions of higher education created and supported by the state  
34 government, and those courts that are parts of state government.  
35 "Agency" does not include a comprehensive cancer center participating  
36 in a collaborative arrangement as defined in RCW 28B.10.930 that is  
37 operated in conformance with RCW 28B.10.930.

38 (2) (a) "Personal information" means:

1 (i) An individual's first name or first initial and last name in  
2 combination with any one or more of the following data elements:

3 (A) Social security number or the last four digits of the social  
4 security number;

5 (B) Driver's license number or Washington identification card  
6 number;

7 (C) Account number or credit or debit card number, in combination  
8 with any required security code, access code, or password that would  
9 permit access to an individual's financial account, or any other  
10 numbers or information that can be used to access a person's  
11 financial account;

12 (D) Full date of birth;

13 (E) Private key that is unique to an individual and that is used  
14 to authenticate or sign an electronic record;

15 (F) Student, military, or passport identification number;

16 (G) Health insurance policy number or health insurance  
17 identification number;

18 (H) Any information about a consumer's medical history or mental  
19 or physical condition or about a health care professional's medical  
20 diagnosis or treatment of the consumer; or

21 (I) Biometric data generated by automatic measurements of an  
22 individual's biological characteristics such as a fingerprint,  
23 voiceprint, retinas, irises, or other unique biological patterns or  
24 characteristics used to identify a specific individual;

25 (ii) An individual's user name or email address in combination  
26 with a password or security questions and answers that would permit  
27 access to an online account; and

28 (iii) Any of the data elements or any combination of the data  
29 elements described in (a)(i) of this subsection without the  
30 consumer's first name or first initial and last name if:

31 (A) Encryption, redaction, or other methods have not rendered the  
32 data element or combination of data elements unusable; and

33 (B) The data element or combination of data elements would enable  
34 a person to commit identity theft against a consumer.

35 (b) The term "personal information" does not include publicly  
36 available information that is lawfully made available to the general  
37 public from federal, state, or local government records.

38 NEW SECTION. **Sec. 3.** (1) Each agency shall collect voluntary  
39 self-identification demographic data using the United States office

1 of management and budget statistical policy directive number 15 as  
2 published on March 29, 2024, that provides common language for  
3 uniformity and comparability in the collection and use of race and  
4 ethnicity data, minimum categories, and corresponding detailed  
5 categories and subcategories used by the United States census bureau  
6 for Washington state population estimates, or other more granular  
7 demographic data as the agency may deem appropriate and necessary for  
8 its intended purpose.

9 (2) Each agency must consider and base demographic data  
10 collection on the appropriate demographic data set necessary with  
11 regard to appropriate target demographic categories or subcategories  
12 of a program or agency being evaluated.

13 (3) The data collected under subsection (1) of this section must  
14 be included in every demographic report on race or ethnic origin by  
15 the state agency, board, or commission published or released after  
16 June 30, 2030. The reports must state the reasoning and process used  
17 to determine the appropriate data set. If the appropriate data set  
18 cannot be collected, the report should state the reasons why. The  
19 data must be made available to the public in accordance with state  
20 and federal law including, but not limited to, the health insurance  
21 portability and accountability act and family educational rights and  
22 privacy act, and privacy protection standards including, but not  
23 limited to, data aggregation and suppression necessary to protect  
24 individual identities, and excluding personal information, which  
25 shall be deemed confidential.

26 (4) If any questions arise regarding the appropriate racial,  
27 ethnic, or cultural categories or subcategories from which data  
28 should be collected for any given program, the state ethnic  
29 commissions and the governor's office of Indian affairs should be  
30 consulted for advice.

31 (5) An agency must comply with the requirements of this section  
32 as early as possible following the effective date of this section,  
33 but at the latest by June 30, 2030.

34 NEW SECTION. **Sec. 4.** (1) The office of financial management  
35 shall convene and manage a multiagency committee that includes  
36 representatives from the state ethnic commissions, the governor's  
37 office of Indian affairs, office of equity, and office of privacy and  
38 data protection to review and approve requests for exemptions to the  
39 requirement to collect more detailed data beyond the minimum

1 categories in statistical policy directive number 15. An agency may  
2 submit a request to the multiagency committee for an exemption to the  
3 requirement to collect more detailed data beyond the minimum  
4 categories if the agency determines that the potential benefit of the  
5 detailed data would not justify the additional burden to the agency  
6 and the public or the additional risk to privacy or confidentiality.

7 (2) An agency may submit a request to the multiagency committee  
8 for a variance to the detailed categories used by the United States  
9 census bureau for Washington state if the agency determines that  
10 collecting different detailed data categories provides more useful or  
11 accurate data for the collection's specific context and intended  
12 uses. Any variances in detailed data collection must be able to be  
13 aggregated up to the required minimum categories.

14 (3) The multiagency committee must review agency requests for  
15 exemptions and variances, and only approve the requests if:

16 (a) The potential benefit of the detailed data would not justify  
17 the additional burden to the agency and the public or the additional  
18 risk to individual privacy or confidentiality;

19 (b) The agency demonstrates that the exemption or variance is  
20 appropriate for target demographic categories or subcategories of a  
21 program or agency;

22 (c) The agency is not the primary data collector;

23 (d) The agency is required to report demographic data to federal  
24 agencies using different categories; or

25 (e) They otherwise contain sufficient justification.

26 NEW SECTION. **Sec. 5.** (1) Each agency shall develop a multiyear  
27 phased plan for implementing the demographic data collection and  
28 reporting requirements in section 3 of this act. Agency plans must  
29 address:

30 (a) Technology updates needed for technical implementation;

31 (b) Statutory and rule changes needed;

32 (c) Data security and guidelines for reporting that protect  
33 individual privacy;

34 (d) Data governance;

35 (e) Change management strategies including training and process  
36 modifications; and

37 (f) The staffing, technology, and other costs associated with  
38 each of the above plan components.

1 (2) Each agency must submit implementation plans to the  
2 multiagency committee by December 1, 2026, and the multiagency  
3 committee must submit a report summarizing statewide implementation  
4 needs and costs to the governor and legislature by June 30, 2027.

5 **Sec. 6.** RCW 28A.300.042 and 2023 c 265 s 6 and 2023 c 242 s 8  
6 are each reenacted and amended to read as follows:

7 (1) The superintendent of public instruction must collect and  
8 school districts must submit all student-level data using the United  
9 States (~~department of education 2007 race and ethnicity reporting~~  
10 ~~guidelines, including the subracial and subethnic categories within~~  
11 ~~those guidelines, with the following modifications:~~

12 ~~(a) Further disaggregation of the Black category to differentiate~~  
13 ~~students of African origin and students native to the United States~~  
14 ~~with African ancestors;~~

15 ~~(b) Further disaggregation of countries of origin for Asian~~  
16 ~~students;~~

17 ~~(c) Further disaggregation of the White category to include~~  
18 ~~subethnic categories for Eastern European nationalities that have~~  
19 ~~significant populations in Washington; and~~

20 ~~(d) For students who report as multiracial, collection of their~~  
21 ~~racial and ethnic combination of)) office of management and budget~~  
22 ~~statistical policy directive number 15 as published on March 29,~~  
23 ~~2024, that provides common language for uniformity and comparability~~  
24 ~~in the collection and use of race and ethnicity data, minimum~~  
25 ~~categories, and corresponding detailed categories.~~

26 (2) Beginning with the ((2017-18)) 2025-26 school year, or as  
27 soon as practicable, school districts shall collect student-level  
28 data as provided in subsection (1) of this section for all newly  
29 enrolled students, including transfer students. When the students  
30 enroll in a different school within the district, school districts  
31 shall resurvey the newly enrolled students for whom subracial and  
32 subethnic categories were not previously collected. School districts  
33 may resurvey other students.

34 (3) All student data-related reports required of the  
35 superintendent of public instruction in this title must be  
36 disaggregated by at least the following subgroups of students: White,  
37 Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific  
38 Islander/Hawaiian Native, Middle Eastern/North African, low income,  
39 highly capable, transitional bilingual, migrant, special education,

1 and students covered by section 504 of the federal rehabilitation act  
2 of 1973, as amended (29 U.S.C. Sec. 794).

3 (4) All student data-related reports prepared by the  
4 superintendent of public instruction regarding student suspensions  
5 and expulsions as required under this title are subject to  
6 disaggregation by subgroups including:

- 7 (a) Gender;
- 8 (b) Foster care;
- 9 (c) Homeless, if known;
- 10 (d) School district;
- 11 (e) School;
- 12 (f) Grade level;
- 13 (g) Behavior infraction code, including:
  - 14 (i) Bullying;
  - 15 (ii) Tobacco;
  - 16 (iii) Alcohol;
  - 17 (iv) Illicit drug;
  - 18 (v) Fighting without major injury;
  - 19 (vi) Violence without major injury;
  - 20 (vii) Violence with major injury;
  - 21 (viii) Possession of a weapon; and
  - 22 (ix) Other behavior resulting from a short-term or long-term  
23 suspension, expulsion, or interim alternative education setting  
24 intervention;
- 25 (h) Intervention applied, including:
  - 26 (i) Short-term suspension;
  - 27 (ii) Long-term suspension;
  - 28 (iii) Emergency removal;
  - 29 (iv) Expulsion;
  - 30 (v) Interim alternative education settings;
  - 31 (vi) No intervention applied; and
  - 32 (vii) Other intervention applied that is not described in this  
33 subsection (4) (h);
- 34 (i) Number of days a student is suspended or expelled, to be  
35 counted in half or full days; and
- 36 (j) Any other categories added at a future date by the data  
37 governance group.

38 (5) All student data-related reports required of the  
39 superintendent of public instruction regarding student suspensions

1 and expulsions as required in RCW 28A.300.046 are subject to cross-  
2 tabulation at a minimum by the following:

3 (a) School and district;

4 (b) Race, low income, highly capable, special education,  
5 transitional bilingual, migrant, foster care, homeless, students  
6 covered by section 504 of the federal rehabilitation act of 1973, as  
7 amended (29 U.S.C. Sec. 794), and categories to be added in the  
8 future;

9 (c) Behavior infraction code; and

10 (d) Intervention applied.

11 (6) The K-12 data governance group shall develop the data  
12 protocols and guidance for school districts in the collection of data  
13 as required under this section, and the office of the superintendent  
14 of public instruction shall modify the statewide student data system  
15 as needed. The office of the superintendent of public instruction  
16 shall also incorporate training for school staff on best practices  
17 for collection of data under this section in other training or  
18 professional development related to data provided by the office.

19 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act  
20 constitute a new chapter in Title 42 RCW.

--- END ---