
SENATE BILL 5906

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By Senators Hansen, Valdez, Bateman, Chapman, Frame, Hasegawa, Hunt, Nobles, Pedersen, Salomon, Slatter, Stanford, and C. Wilson

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1 AN ACT Relating to establishing data and personal safety
2 protections within areas of public accommodation for all Washington
3 residents; adding a new section to chapter 43.216 RCW; adding a new
4 section to chapter 28A.320 RCW; adding new sections to chapter 70.02
5 RCW; adding a new section to chapter 28B.10 RCW; adding a new section
6 to chapter 29A.04 RCW; and creating a new section.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.216
9 RCW to read as follows:

10 (1) Except as required by state or federal law, or as required to
11 administer a state or federally supported early learning or child
12 care program, early learning providers may not do either of the
13 following:

14 (a) Collect information or documents regarding immigration or
15 citizenship status of students or their family members; or

16 (b) Allow an officer or employee of an agency conducting
17 immigration enforcement to enter a nonpublic area of an early
18 learning or child care site for any purpose without being presented
19 with a valid judicial warrant, judicial subpoena, or a court order.
20 An early learning provider shall, to the extent practicable, request
21 a valid form of identification from an officer or employee of an

1 agency conducting immigration enforcement seeking to enter a
2 nonpublic area of an early learning or child care site. This
3 subsection may not be construed to limit an early learning provider's
4 right to consult with counsel or challenge the validity of a judicial
5 warrant, judicial subpoena, or court order in a court of competent
6 jurisdiction.

7 (2) The early learning provider shall, in a timely manner, report
8 to the department any request for information or access to an early
9 learning or child care site by any officer or employee of a law
10 enforcement agency for the purpose of enforcing immigration laws. Any
11 report made under this subsection must be provided in a manner that
12 ensures the confidentiality and privacy of any potential identifying
13 information.

14 (3) If an early learning provider is aware that a child's parent
15 or legal guardian is not available to care for the student, the early
16 learning provider shall first exhaust any parental instruction
17 relating to the child's care in the emergency contact information it
18 has for the child to arrange for the child's care. An early learning
19 provider is encouraged to work with parents or legal guardians to
20 update the emergency contact information and not contact the
21 department to arrange for the child's care unless the early learning
22 provider is unable to arrange for care through the use of emergency
23 contact information or other information or instructions provided by
24 the parent or legal guardian.

25 (4) The early learning provider shall provide information to
26 parents and guardians, as appropriate, regarding their children's
27 eligibility for certain early learning programs regardless of
28 immigration or citizenship status or religious beliefs. This
29 information must include "know your rights" immigration enforcement
30 information established by the attorney general and may be provided
31 in an annual notification to parents and legal guardians or any other
32 cost-effective means determined by the early learning provider.

33 (5) This section does not prohibit or restrict any governmental
34 entity or official from sending to, or receiving from, federal
35 immigration authorities, information regarding the immigration or
36 citizenship status, lawful or unlawful, of an individual, or from
37 requesting from federal immigration authorities immigration status
38 information, lawful or unlawful, of any individual, or maintaining or
39 exchanging that information with any other federal, state, or local
40 governmental entity, pursuant to 8 U.S.C. Secs. 1373 and 1644.

1 (6) For the purposes of this section, the following definitions
2 apply:

3 (a) "Early learning providers" include, but are not limited to,
4 licensed or certified child care centers, family home providers, and
5 outdoor nature-based child care providers; early childhood education
6 and assistance program providers; birth to three early childhood
7 education and assistance program providers; head start and early head
8 start programs; private and nonprofit preschool; home visitation
9 programs; and early intervention services providers;

10 (b) "Immigration enforcement" includes any and all efforts to
11 investigate, enforce, or assist in the investigation or enforcement
12 of any federal civil immigration law, and any and all efforts to
13 investigate, enforce, or assist in the investigation or enforcement
14 of any federal criminal immigration law that penalizes a person's
15 presence in, entry, or reentry to, or employment in, the United
16 States; and

17 (c) "Provider" includes any officers, employees, agents, or
18 contractors of the early learning provider.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320
20 RCW to read as follows:

21 (1) Except as required by state or federal law or as required to
22 administer a state or federally supported educational program, school
23 district employees may not do either of the following:

24 (a) Collect information or documents regarding immigration or
25 citizenship status of students or their family members; or

26 (b) Allow an officer or employee of an agency conducting
27 immigration enforcement to enter a nonpublic area of a school site
28 for any purpose without being presented with a valid judicial
29 warrant, judicial subpoena, or a court order. A school district
30 employee shall, to the extent practicable, request a valid form of
31 identification from an officer or employee of an agency conducting
32 immigration enforcement seeking to enter a nonpublic area of a school
33 site. This subsection may not be construed to limit a school
34 district's or employee's right to consult with counsel or challenge
35 the validity of a judicial warrant, judicial subpoena, or court order
36 in a court of competent jurisdiction.

37 (2) In accordance with the federal family educational rights and
38 privacy act of 1974, 20 U.S.C. Sec. 1232g and RCW 28A.605.030, school
39 district employees may not disclose or provide in writing, verbally,

1 or in any other manner, the education records of or any information
2 about a student or a student's family and household without the
3 written consent of the student's parent or legal guardian including,
4 but not limited to, personal information about the student's home and
5 information about the student's travel schedule, to an officer or
6 employee of an agency conducting immigration enforcement absent a
7 valid judicial warrant, judicial subpoena, or court order directing
8 the school district or its employee to do so. Any disclosure of a
9 student's education records pursuant to a valid judicial warrant,
10 judicial subpoena, or court order must be in accordance with the
11 parent notification requirements set forth in 34 C.F.R. Part 99 Sec.
12 31(a) (9) (ii).

13 (3) The school district superintendent shall, in a timely manner,
14 report to the school district board of directors any request for
15 information or access to a school site by any officer or employee of
16 a law enforcement agency for the purpose of enforcing immigration
17 laws. Any report made under this subsection must be provided in a
18 manner that ensures the confidentiality and privacy of any potential
19 identifying information.

20 (4) If school district employees are aware that a student's
21 parent or legal guardian is not available to care for the student,
22 the school shall first exhaust any parental instruction relating to
23 the student's care in the emergency contact information it has for
24 the student to arrange for the student's care. A school is encouraged
25 to work with parents or legal guardians to update the emergency
26 contact information and not contact the department of children,
27 youth, and families to arrange for the student's care unless the
28 school is unable to arrange for care through the use of emergency
29 contact information or other information or instructions provided by
30 the parent or legal guardian.

31 (5) The school district board of directors shall provide
32 information to parents and legal guardians, as appropriate, regarding
33 their children's right to a free public education, regardless of
34 immigration or citizenship status or religious beliefs. This
35 information must include "know your rights" immigration enforcement
36 information established by the attorney general and may be provided
37 in an annual notification to parents and legal guardians or any other
38 cost-effective means determined by the school district.

39 (6) This section does not prohibit a school district from
40 establishing heightened standards and protections.

1 (7) (a) By July 1, 2026, the Washington state school directors'
2 association shall ensure its model policy on limiting immigration
3 enforcement in schools considers, at minimum, all of the following:

4 (i) Procedures related to requests for access to school grounds
5 for purposes related to immigration enforcement;

6 (ii) Procedures for school district employees to notify the
7 superintendent of the school district if an individual requests or
8 gains access to school grounds for purposes related to immigration
9 enforcement; and

10 (iii) Procedures for responding to requests for personal
11 information about students or their family members for purposes of
12 immigration enforcement.

13 (b) The Washington state school directors' association shall, no
14 later than July 1, 2027, update the model policies on limiting
15 immigration enforcement in schools described in (a) of this
16 subsection to ensure that these policies align with the prohibition
17 applicable to school district employees as described in subsection
18 (1)(b) of this section, and the requirements for school districts, as
19 described in this section.

20 (8) (a) By the beginning of the 2027-28 school year, each school
21 district board of directors shall adopt or amend, if necessary, a
22 policy and procedure that, at a minimum, incorporates the model
23 policy and procedures described in subsection (7) of this section.

24 (b) A school district shall maintain its policy and procedures
25 adopted pursuant to (a) of this subsection and make that policy
26 available to the office of the superintendent of public instruction
27 upon request.

28 (9) School districts may be subject to monitoring and auditing by
29 the office of the superintendent of public instruction to ensure
30 compliance with the requirements of subsection (8) of this section.

31 (10) This section does not prohibit or restrict any governmental
32 entity or official from sending to, or receiving from, federal
33 immigration authorities, information regarding the immigration or
34 citizenship status, lawful or unlawful, of an individual, or from
35 requesting from federal immigration authorities immigration status
36 information, lawful or unlawful, of any individual, or maintaining or
37 exchanging that information with any other federal, state, or local
38 governmental entity, pursuant to 8 U.S.C. Secs. 1373 and 1644.

39 (11) This section governs school operation and management under
40 RCW 28A.710.040 and 28A.715.020 and applies to charter schools

1 established under chapter 28A.710 RCW and state-tribal education
2 compact schools subject to chapter 28A.715 RCW to the same extent as
3 it applies to school districts.

4 (12) For the purposes of this section, the following definitions
5 apply:

6 (a) "Immigration enforcement" has the same meaning as defined in
7 section 1 of this act;

8 (b) "Personal information" means any information that is
9 maintained by an agency that identifies or describes an individual
10 including, but not limited to, the individual's name, social security
11 number, physical description, home address, home telephone number,
12 education financial matters, and medical or employment history, and
13 includes statements made by, or attributed to, the individual;

14 (c) "School district employee" means an officer, employee, agent,
15 or contractor of a school district; and

16 (d) "School site" means an individual public school campus, an
17 area where a school-sponsored activity is currently being held, or a
18 school bus or other transportation provided by a school district.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.02
20 RCW to read as follows:

21 (1) Except as expressly authorized pursuant to this chapter, or
22 as required by state or federal law, health care providers and
23 carriers and health care service contractors as defined in RCW
24 48.44.010, may not disclose medical information for immigration
25 enforcement.

26 (2)(a) Health care personnel shall immediately notify health care
27 provider entity management, administration, or legal counsel of any
28 request for access to a health care provider entity site or patient
29 for immigration enforcement.

30 (b) Health care personnel shall immediately provide any request
31 for review of health care provider documents, including through a
32 lawfully issued judicial subpoena, judicial warrant, or court order,
33 to health care facility management, administration, or legal counsel.

34 (c) If a request is made to access a health care facility site or
35 patient, including to obtain information about a patient or the
36 patient's family, for immigration enforcement, health care personnel
37 shall direct that request to the designated health care facility
38 management, administration, or legal counsel.

1 (3) For purposes of this section, "health care facilities" has
2 the same meaning as in RCW 70.37.020.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.02
4 RCW to read as follows:

5 (1) To enhance privacy available to facility users and promote a
6 safe environment conducive to the facility's mission and patient
7 care, health care facilities, as defined in RCW 70.37.020, shall
8 designate areas where patients are receiving treatment or care, or
9 where a patient is discussing protected health information, as
10 nonpublic. The facility is encouraged to designate these areas
11 through mapping signage, key entry, policy, or a combination of
12 those.

13 (2) Unless required by state or federal law, a health care
14 facility and its personnel may not allow any person access to the
15 nonpublic areas of the facility as described in subsection (1) of
16 this section, for immigration enforcement purposes, unless the person
17 has a valid judicial warrant or court order that specifically grants
18 access to the nonpublic areas of the facility.

19 (3) A health care facility and its personnel shall, to the extent
20 possible, have the denial of permission for access to nonpublic areas
21 of the facility pursuant to subsection (2) of this section witnessed
22 and documented by at least one other health care facility employee.

23 (4) Health care facilities shall inform staff and relevant
24 volunteers on how to respond to requests relating to immigration
25 enforcement that grants access to health care facility sites or to
26 patients.

27 (5) For purposes of this section, "immigration enforcement" has
28 the same meaning as defined in section 1 of this act.

29 NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.10
30 RCW to read as follows:

31 (1) Each institution of higher education shall, to the fullest
32 extent consistent with state and federal law:

33 (a) Refrain from disclosing personal information about students
34 and employees except:

35 (i) With the consent of the person identified, or if the person
36 is under 18 years of age, with the consent of the parent or legal
37 guardian of the person identified;

1 (ii) As may legally be disclosed under state and federal privacy
2 laws;

3 (iii) For the programmatic purpose for which the information was
4 obtained;

5 (iv) As part of a directory that does not include residence
6 addresses or individual persons' course schedules and that the person
7 has not elected to opt out of; or

8 (v) In response to a judicial warrant, court order, or judicial
9 subpoena;

10 (b) Advise all students and employees to notify the office of the
11 president, or their designee, as soon as possible, if an immigration
12 officer is expected to enter, will enter, or has entered the campus
13 to execute a federal immigration order;

14 (c) Notify the person's emergency contact that the person has
15 been taken into custody as soon as possible if there is reason to
16 suspect that a student or employee has been taken into custody as a
17 result of an immigration enforcement action;

18 (d) Comply with a request from an immigration officer for access
19 to nonpublic areas of the campus only upon presentation of a judicial
20 warrant, judicial subpoena, or court order. This subsection does not
21 apply to an immigration officer's request for access to or for
22 information related to the operation of international student or
23 employee programs, employment verification efforts, or other
24 nonenforcement activities;

25 (e) Advise all students and employees responding to or having
26 contact with an immigration officer executing a federal immigration
27 order, to direct the immigration officer to the office of the
28 president, or their designee, for purposes of verifying the legality
29 of any judicial warrant, court order, or judicial subpoena;

30 (f) Designate a staff person to serve as a point of contact for
31 any student or employee who may or could be subject to an immigration
32 order or inquiry on campus. Unless the disclosure is permitted by
33 state and federal education privacy law, employees are prohibited
34 from discussing the personal information, including immigration
35 status, of any student or employee with anyone, or revealing that
36 personal information to anyone. This subsection may not be construed
37 as requiring an institution of higher education to hire staff to
38 fulfill the requirements of this subsection (1)(f);

39 (g) Maintain a contact list of legal services providers who
40 provide legal immigration representation, and provide it free of

1 charge to any and all students who request it. The list must include,
2 but is not limited to, the provider's name and contact number, email
3 address, and office address;

4 (h) (i) Post on its website in a conspicuous location, and provide
5 via email quarterly or each semester to all students and employees:

6 (A) A copy of the contact list adopted pursuant to (g) of this
7 subsection; and

8 (B) Guidance informing them of their rights under state and
9 federal immigration laws and how to respond to federal immigration
10 actions or orders;

11 (ii) Update the information posted on its website pursuant to
12 (h) (i) of this subsection as often as is necessary to reflect any
13 changes to federal and state immigration laws and institutional
14 policies and procedures; and

15 (i) In the event that an undocumented student is subject to a
16 federal immigration order, ensure that all of the following occur:

17 (i) In the event that an undocumented student is detained,
18 deported, or is unable to attend to the student's academic
19 requirements due to the actions of an immigration officer in relation
20 to a federal immigration order, the institution of higher education
21 shall make all reasonable efforts to assist the student in retaining
22 any eligibility for financial aid, fellowship stipends, exemption
23 from nonresident tuition fees, funding for research or other
24 educational projects, housing stipends or services, or other benefits
25 the student has been awarded or received, and permit the student to
26 be reenrolled if and when the student is able to return to the
27 institution of higher education. Institutions of higher education
28 should make reasonable and good faith efforts to provide for a
29 seamless transition in a student's reenrollment and reacquisition of
30 campus services and supports;

31 (ii) That staff is available to assist, in a sensitive manner,
32 undocumented students, and other students, employees, faculty, and
33 staff who may be subject to a federal immigration order or inquiry,
34 or who may face similar issues, and whose education or employment is
35 at risk because of federal immigration actions;

36 (iii) (A) All students, employees, and campus community members
37 who work on campus are notified when the presence of immigration
38 enforcement is confirmed on campus;

39 (B) A notice provided pursuant to (i) (iii) (A) of this subsection
40 must include all of the following:

1 (I) The date and time the immigration enforcement was confirmed;
2 (II) The location of the confirmed immigration enforcement; and
3 (III) A hyperlink to additional resources, including the
4 information posted on its website pursuant to this subsection;

5 (C) A notice provided pursuant to (i)(iii) of this subsection may
6 not include any personally identifiable information.

7 (2)(a) Each campus of each institution of higher education shall
8 notify all students, employees, and other campus community members
9 who work on campus when the presence of immigration enforcement is
10 confirmed, to the fullest extent consistent with state and federal
11 law.

12 (b) A notice provided pursuant to (a) of this subsection must
13 include all of the following:

14 (i) The date and time immigration enforcement was confirmed;
15 (ii) The location of the confirmed immigration enforcement; and
16 (iii) A hyperlink to additional resources, including the
17 information posted on its website pursuant to subsection (1)(h) of
18 this section.

19 (c) A notice provided pursuant to (a) of this subsection shall
20 not include any personally identifiable information.

21 (3) For the purpose of this section, the following definitions
22 apply:

23 (a) "Immigration enforcement" has the same meaning as defined in
24 section 1 of this act;

25 (b) "Immigration officer" means any state, local, or federal law
26 enforcement officer who is seeking to enforce immigration law; and

27 (c) "Institution of higher education" has the same meaning as
28 defined in RCW 28B.92.030.

29 NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.04
30 RCW to read as follows:

31 (1) During primaries, general elections, and special elections, a
32 county auditor shall designate as nonpublic any place where ballots
33 are handled, processed, counted, or tabulated. County auditors are
34 encouraged to designate these areas through mapping signage, key
35 entry, policy, or a combination of those.

36 (2) Unless required by state or federal law, any election
37 officer, or any worker or volunteer of a county auditor's office, may
38 not allow any person access to nonpublic areas as described in
39 subsection (1) of this section for immigration enforcement purposes,

1 unless the person has a valid judicial warrant or court order that
2 specifically grants access to those nonpublic areas.

3 (3) An election officer, or a worker or volunteer of a county
4 auditor's office, shall, to the extent possible, have the denial of
5 permission for access to nonpublic areas pursuant to subsection (2)
6 of this section witnessed and documented by at least one other
7 election officer, worker, or volunteer.

8 (4) The county auditor shall inform election officers, workers,
9 and volunteers on how to respond to requests relating to immigration
10 enforcement that grants access to nonpublic areas as described in
11 subsection (1) of this section.

12 (5) For the purposes of this section, "immigration enforcement"
13 has the same meaning as defined in section 1 of this act.

14 NEW SECTION. **Sec. 7.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 8.** This act may be known and cited as the
19 secure and accountable federal enforcement (SAFE) act.

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