
SUBSTITUTE SENATE BILL 5956

State of Washington

69th Legislature

2026 Regular Session

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

READ FIRST TIME 01/23/26.

1 AN ACT Relating to artificial intelligence, student discipline,
2 and surveillance in public schools; amending RCW 43.386.080; adding a
3 new section to chapter 28A.300 RCW; adding a new section to chapter
4 28A.345 RCW; adding a new section to chapter 28A.710 RCW; adding a
5 new section to chapter 28A.715 RCW; and adding a new chapter to Title
6 28A RCW.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that an
9 increasing number of public schools throughout the United States are
10 beginning to use artificial intelligence, automated decision systems,
11 and surveillance technologies in ways that can affect student
12 discipline and school safety.

13 (2) The legislature further finds that such tools can amplify
14 existing disparities in student discipline and may result in
15 disproportionate monitoring and punishment of Black students,
16 indigenous students, students of color, students with disabilities,
17 LGBTQ students, and other students protected under chapters 49.60,
18 28A.640, and 28A.642 RCW.

19 (3) The legislature recognizes that Washington state has enacted
20 student privacy protections, including in chapter 28A.604 RCW and RCW
21 28A.605.030, and that the office of the superintendent of public

1 instruction has issued guidance on human-centered artificial
2 intelligence in education. However, existing laws and guidance do not
3 expressly address the use of artificial intelligence in automated
4 decision systems in student discipline and surveillance.

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

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

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

14 (c) Direct the office of the superintendent of public instruction
15 to update their guidance and the Washington state school directors'
16 association to develop a model policy and procedures for school
17 districts, charter schools, and state-tribal education compact
18 schools consistent with these protections.

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

22 (1) "Artificial intelligence" means any machine-based system
23 that, for explicit or implicit objectives, infers from the data it
24 receives how to generate outputs, such as predictions, content,
25 recommendations, or decisions, that can influence real or virtual
26 environments.

27 (2) "Automated decision system" means any computational process,
28 including one derived from an artificial intelligence system, machine
29 learning, statistics, or other data processing techniques, that makes
30 or materially influences decisions or recommendations concerning a
31 student.

32 (3) "Biometric data" means data generated from the measurement or
33 technical analysis of a student's physical, biological, or behavioral
34 characteristics including, but not limited to, facial geometry,
35 voiceprint, gait, fingerprints, or iris patterns.

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

38 (5) "Likelihood of serious physical harm" means a substantial
39 risk that:

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

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

7 (6) "School service provider" has the same meaning as in RCW
8 28A.604.010.

9 (7) "School surveillance technology" means any technology,
10 service, or system used by or on behalf of a school district to
11 monitor, track, or record student behavior, location, communications,
12 biometrics, or online activity including, but not limited to, video
13 analytics, network monitoring tools, and biometric systems.

14 (8) "Student discipline-related decision" means any decision by a
15 school district or its employees or contractors that results in or
16 materially contributes to:

17 (a) Suspension, expulsion, or emergency removal under chapter
18 28A.600 RCW;

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

20 (c) Assignment to an alternative education setting for
21 disciplinary reasons.

22 (9) "Student personal information" has the same meaning as in RCW
23 28A.604.010.

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

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

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

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

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

37 NEW SECTION. **Sec. 4.** (1) A school district may not:

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

6 (b) Maintain internal lists or watchlists of students designated
7 as likely perpetrators of violence or serious misconduct wholly based
8 on an automated decision system.

9 (2) A school district may not enter into any contract with a
10 vendor or school service provider that requires or authorizes the
11 vendor or school service provider to engage in the activities
12 prohibited under subsection (1) of this section.

13 NEW SECTION. **Sec. 5.** (1) School districts may not use biometric
14 data to generate or infer emotional states, mental health conditions,
15 sexual orientation, gender expression, gender identity, or other
16 sensitive psychological or personal characteristics of a student.

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

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

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

23 (c) The use of biometrics to determine student engagement when it
24 is used solely for the purposes of informing educator professional
25 development.

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

30 (a) When required by state or federal law, including a court
31 order; or

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

36 (2) Disclosures under this section must remain consistent with
37 RCW 28A.600.475, 28A.605.030, and applicable federal law, including

1 the federal family educational rights and privacy act of 1974, 20
2 U.S.C. Sec. 1232g.

3 NEW SECTION. **Sec. 7.** (1) Nothing in this chapter or RCW
4 43.386.080 may be construed to limit or impair the authority of a
5 school district, school, or employee or contractor of these entities
6 to take corrective action or impose student discipline as authorized
7 under state law.

8 (2) Nothing in this chapter or RCW 43.386.080 requires deletion
9 of records that must be maintained or reported under state or federal
10 law, including records required for student discipline data reporting
11 and applicable records retention requirements under chapter 40.14
12 RCW.

13 (3) Nothing in this chapter or RCW 43.386.080 prohibits an
14 educational service district, school district, school, or employee or
15 contractor of these entities from gathering and analyzing
16 nonbiometric information about a student's behavior with an automated
17 decision system to determine a level of concern, which is used to
18 develop and implement supportive interventions to promote positive
19 behavior development and to promote a safe, supportive teaching and
20 learning environment.

21 **Sec. 8.** RCW 43.386.080 and 2020 c 257 s 11 are each amended to
22 read as follows:

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

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

29 (b) Exigent circumstances exist; or

30 (c) A court order is obtained authorizing the use of the service
31 for the sole purpose of locating or identifying a missing person, or
32 identifying a deceased person. A court may issue an ex parte order
33 under this subsection (1)(c) if a law enforcement officer certifies
34 and the court finds that the information likely to be obtained is
35 relevant to locating or identifying a missing person, or identifying
36 a deceased person.

37 (2) A state or local government agency may not apply a facial
38 recognition service to any individual based on their religious,

1 political, or social views or activities, participation in a
2 particular noncriminal organization or lawful event, or actual or
3 perceived race, ethnicity, citizenship, place of origin, immigration
4 status, age, disability, gender, gender identity, sexual orientation,
5 or other characteristic protected by law. This subsection does not
6 condone profiling including, but not limited to, predictive law
7 enforcement tools.

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

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

15 (5) A state or local law enforcement agency may not use the
16 results of a facial recognition service as the sole basis to
17 establish probable cause in a criminal investigation. The results of
18 a facial recognition service may be used in conjunction with other
19 information and evidence lawfully obtained by a law enforcement
20 officer to establish probable cause in a criminal investigation.

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

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

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

31 NEW SECTION. Sec. 9. A new section is added to chapter 28A.300
32 RCW to read as follows:

33 During its regular review cycle, the office of the superintendent
34 of public instruction shall, in consultation with students, families,
35 educators, and communities disproportionately impacted by discipline
36 and surveillance, update its guidance on human-centered artificial
37 intelligence in K-12 education to reflect the prohibitions and
38 requirements in chapter 28A.--- (the new chapter created in section
39 13 of this act) and to address the use of artificial intelligence

1 systems, automated decision systems, and school surveillance
2 technologies in connection with student discipline-related decisions
3 and school safety.

4 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.345
5 RCW to read as follows:

6 (1) By February 1, 2027, the Washington state school directors'
7 association must develop, and periodically update, a model policy and
8 procedure that school districts, charter schools, and state-tribal
9 education compact schools may adopt or adapt to reflect the
10 prohibitions and implement the requirements in chapter 28A.--- (the
11 new chapter created in section 13 of this act).

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

15 (3) The model policy and procedure must align with the office of
16 the superintendent of public instruction's guidance described in
17 section 9 of this act and must address:

18 (a) Human oversight of artificial intelligence systems and
19 automated decision systems;

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

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

26 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.710
27 RCW to read as follows:

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

31 NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.715
32 RCW to read as follows:

33 Sections 2 through 7 of this act and RCW 43.386.080 govern school
34 operation and management under RCW 28A.715.020 and apply to state-
35 tribal education compact schools subject to this chapter.

1 NEW SECTION. **Sec. 13.** Sections 1 through 7 of this act
2 constitute a new chapter in Title 28A RCW.

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