

HOUSE BILL REPORT

SB 5603

As Reported By House Committee On:
Education

Title: An act relating to student records.

Brief Description: Allowing parents access to student records and prohibiting their release without parental consent.

Sponsors: Senators Stevens, Zarelli, Johnson, Roach, Oke and Hochstatter.

Brief History:

Committee Activity:

Education: 3/28/97, 4/4/97 [DP].

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 11 members: Representatives Johnson, Chairman; Hickel, Vice Chairman; Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Linville; Quall; Smith; Sterk; Sump; Talcott and Veloria.

Staff: Joe Hauth (786-7111).

Background: The federal Family Educational and Privacy Rights Act of 1974 (FERPA) provides access to educational records by a parent or student, and limits the transfer and disclosure of certain personally identifiable information in educational records without prior written consent, except in limited circumstances. Under the FERPA, educational records include information maintained by an educational agency or institution that is directly related to a student. The FERPA does not make any action unlawful, but allows federal funding to be discontinued if the act is violated.

State law also contains provisions addressing the disclosure of educational records. School districts may disclose information in educational records to law enforcement and juvenile court officials to the extent permitted by the FERPA. When enrolling a student in another school district, the school enrolling the student may request the student's permanent record from the school previously attended, including records of disciplinary action.

School districts must provide the Department of Health access to students' proof of immunization. Districts must provide records of student visual/auditory screening if requested by the Superintendent of Public Instruction or the Department of Health. School districts must report to their respective educational service district the names of all visually and hearing impaired students between the age of three and twenty one. The educational service district must report annually to the schools for the blind and the deaf, and the Superintendent of Public Instruction regarding visually and hearing impaired children.

Summary of Bill: The federal parental access requirement and limitation on disclosure of educational records is added to state law.

The parent or guardian of a student has a right to review the student's educational records. The school may not release the education records without the parent's or guardian's written consent, except as allowed under the FERPA. School districts must develop procedures in compliance with the FERPA for granting parental access to a child's education records, and prohibiting the release of a student's education records without parental consent. In seeking parental consent to release a student's education records, the school district must inform the parent who is requesting the information, why the request is being made, which information is requested, and how the information will be used.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: How can we expect parents to be involved if they are not informed? The states feel they have privacy rights, but they do not know it. The bill makes clear the rights parents have, and that parents play a rightful role in their children's lives. We have had parents who have had difficulty getting their child's records, and records have been released without parental consent. This bill puts federal law regarding privacy rights into state law.

Testimony Against: None.

Testified: Senator Stevens, prime sponsor.