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SENATE BILL 6681

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State of Washington

59th Legislature

2006 Regular Session

By Senators Kohl-Welles, Pridemore, Brown and Fairley

Read first time 01/18/2006. Referred to Committee on Early Learning, K-12 & Higher Education.

1 AN ACT Relating to requiring school district policies on access to  
2 students and student records; creating new sections; and prescribing  
3 penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) Article 9 of the Washington state Constitution provides that  
7 education is the paramount duty of the state, and state law requires  
8 minors to attend schools;

9 (2) When students are attending public school, the school officials  
10 and staff act in loco parentis;

11 (3) Activities permitted on school grounds during school hours  
12 should support the educational mission of the public school system, be  
13 consistent with the state's duties as in loco parentis guardians of the  
14 students, and honor parental and guardianship rights, to the extent  
15 practical within the state educational mission;

16 (4) Student records and data are private and confidential, and  
17 should not be released to those outside the school system, except with  
18 parental consent or as required by law;

1 (5) Recruitment of students by educational, vocational, career,  
2 military, and other recruiters can be in the interest of students;

3 (6) School districts have an obligation to protect the students in  
4 their care from potential sexual predators and other criminals;

5 (7) School districts have an obligation to assure that recruiters  
6 do not undermine the fundamental state educational duty by encouraging  
7 students to discontinue their education, skip school, drop out, or  
8 flunk out;

9 (8) School districts have an obligation to protect children in  
10 their care from dishonest, unscrupulous, or deceptive recruiting  
11 practices;

12 (9) In providing recruiters access to students, schools must, to  
13 the extent possible and practical, honor parental and guardian choices  
14 for their children; and

15 (10) Parents and guardians should have the ultimate authority over  
16 which recruiters have access to their children and who has access to  
17 their student's private data in school district records.

18 NEW SECTION. **Sec. 2.** The definitions in this section apply  
19 throughout this act unless the context clearly requires otherwise.

20 (1) "Directory information" means information defined in 50 U.S.C.  
21 1232g (a)(5)(A).

22 (2) "Recruiter" means one who seeks to solicit a public school  
23 student to: (a) Attend or apply to an educational or vocational  
24 establishment; (b) apply for employment with a private or public  
25 employer or the military; (c) volunteer for service with an  
26 organization; or (d) otherwise solicit public school students for off-  
27 campus or nonschool activities.

28 NEW SECTION. **Sec. 3.** The board of directors of each school  
29 district shall by September 1, 2006, establish policies and procedures  
30 for:

31 (1) Allowing parents or guardians to prohibit the release of their  
32 student's directory information, records, and data to public and  
33 private institutions, organizations, and employers. This policy shall  
34 extend to the students' names, addresses, phone numbers, social  
35 security numbers, birthdates, directory information, and other  
36 identifying data;

1 (2) Providing, at a minimum, separate "opt out" categories for  
2 release of directory information, data, and records for educational,  
3 vocational, career, military, and volunteer recruitment purposes.  
4 Parents and guardians shall be provided with an "opt out" form within  
5 the first fifteen days of a new school year;

6 (3) Providing thirty days from delivery of the "opt out" form to  
7 parents and guardians in allowing parents and guardians to return their  
8 choices to the school district. School districts are prohibited from  
9 releasing student directory information, data, or records to recruiting  
10 organizations from the close of the previous school year until forty-  
11 five days after the release of the "opt out" form to parents and  
12 guardians. Separate comparable provisions shall be made for summer  
13 school enrollees.

14 NEW SECTION. **Sec. 4.** The board of directors of each school  
15 district shall by September 1, 2006, establish a policy and procedure  
16 requiring on-campus or visiting recruiters to either provide in advance  
17 for an adult school staff person or volunteer to be present when the  
18 recruiter is with the individual student, or submit a criminal records  
19 background check from both the Washington state police and federal  
20 bureau of investigation consistent with RCW 28A 400.303. In the case  
21 of military recruiters, the background check shall also require a  
22 letter from the department of defense relating to the recruiters'  
23 record under the uniform code of military justice and crimes recorded  
24 under other jurisdictions.

25 NEW SECTION. **Sec. 5.** The board of directors of each school  
26 district shall by September 1, 2006, establish a policy and procedure  
27 for disciplining recruiters who engage in dishonest, unscrupulous, or  
28 deceptive recruiting practices.

29 NEW SECTION. **Sec. 6.** The board of directors of each school  
30 district shall by September 1, 2006, establish a policy and procedure  
31 prohibiting recruiters from taking students off-campus during school  
32 hours or meeting students after school hours without written parental  
33 or guardian consent.

1        NEW SECTION.   **Sec. 7.**   Recruiters who take students off-campus  
2        during school hours without parental or guardian consent, or arrange to  
3        meet students after school hours without parental or guardian consent,  
4        shall be guilty of a misdemeanor.

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