

SENATE BILL REPORT

HB 2026

As Reported By Senate Committee On:
Early Learning & K-12 Education, February 28, 2008

Title: An act relating to recruiters' access to high school students.

Brief Description: Regarding recruiter access to student records.

Sponsors: Representatives Santos, McDermott, Haigh, P. Sullivan, Ericks, Simpson, Ormsby and Hasegawa.

Brief History: Passed House: 3/08/07, 58-38; 1/30/08, 64-32.

Committee Activity: Early Learning & K-12 Education: 2/28/08 [DPA, w/oRec].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass as amended.

Signed by Senators McAuliffe, Chair; Tom, Vice Chair; King, Ranking Minority Member; Hobbs, Holmquist, Kauffman, McDermott, Oemig, Rasmussen and Weinstein.

Minority Report: That it be referred without recommendation.

Signed by Senator Brandland.

Staff: Roman Dixon (786-7438)

Background: The Federal Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records. FERPA gives parents certain rights with respect to their children's education records, which transfer to the student when the student reaches the age of 18 or attends school beyond the high school level. These students are deemed "eligible students."

Under FERPA, schools generally must have written permission from the parent or eligible student in order to release any information from a student's education record. However, schools may disclose, without consent, directory information such as a student's name, address, telephone number, date of birth, honors and awards, and dates of attendance. Schools must tell parents and eligible students about directory information and allow them a reasonable amount of time to request that the school not disclose the information.

FERPA applies to all schools that receive funds under an applicable program of the U.S. Department of Education. The law also requires school districts that receive federal funds to provide military recruiters with the same access to secondary school students as they generally provide to postsecondary institutions or prospective employers.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Currently under Washington State law, school districts that allow prospective employers and recruiters from postsecondary institutions to have access to the campus and the student information directory must also provide the same access to recruiting representatives of the military.

Summary of Bill (Recommended Amendments): Any school or school district that allows military recruiters to have access to students or student records must provide the same type of access to recruiters and representative of the Job Corps, Peace Corps, and AmeriCorps. Neither a school nor a school district may release student or family information except as allowed under the federal FERPA.

Schools and school districts must provide every public school student and his or her parents or legal guardian with written notice explaining their rights under the FERPA and the No Child Left Behind Act regarding the release of the student's directory information to recruiters. The notice must provide a list of categories of recruiters and provide parents, guardians, and students with the option of requesting that directory information not be released to a particular category or categories of recruiters. At a minimum, the notice must include the following categories of recruiters: institutions of higher education and vocational education, prospective employers, the military, the Peace Corps, the Job Corps, and AmeriCorps.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Amendments): Recruiters from the Job Corps, Peace Corps, and the AmeriCorps must be allowed the same access to student and student records that is afforded to military recruiters.

Schools and school districts must provide every public school student and his or her parents or legal guardian with written notice explaining their rights under the FERPA and the No Child Left Behind Act regarding the release of the student's directory information to recruiters. The notice must provide a list of categories of recruiters and provide parents, guardians, and students with the option of requesting that directory information not be released to a particular category or categories of recruiters. At a minimum, the notice must include the following categories of recruiters: institutions of higher education and vocational education, prospective employers, the military, the Peace Corps, the Job Corps, and AmeriCorps.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill has been introduced many times in the past. The legislation doesn't change anything in the underlying law as it relates to the military. It simply allows three additional entities to have access to student records. The underlying idea of the law surrounding access to students and student records is to provide them with opportunities to pursue college and careers. This bill solidifies that effort.

CON: This bill should be passed but only with the striker from former Senator Clements. That striker more clearly identifies the duties of the school district as it relates to notification to parents and students and parents' ability to opt-out of any recruiter access.

OTHER: This bill is good but the committee should think about adding a provision that allows the opt-out to be done in different languages. In addition, students and parents should be able to opt-out to any undesired recruiters.

Persons Testifying: PRO: Representative Santos, prime sponsor.

CON: Carol Estes, Friends Committee on Washington Public Policy.

OTHER: E. Richard Power, citizen.