

**SSB 5316 - S AMD 114**

By Senators Dammeier, Rolfes

**ADOPTED 3/4/2015**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that the use of  
4 education data and new technologies hold incredible promise for  
5 improving the educational experiences and outcomes of students. The  
6 legislature further finds that personally identifiable student  
7 information demands highly effective privacy and security safeguards.  
8 The legislature intends to promote appropriate use of education data  
9 by enacting safeguards to ensure that personally identifiable student  
10 information is protected and individual expectations of privacy are  
11 honored.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300  
13 RCW to read as follows:

14 The definitions in this section apply throughout sections 3  
15 through 9 of this act unless the context clearly requires otherwise.

16 (1) "Directory information" has the meaning assigned in the  
17 federal family educational rights and privacy act and corresponding  
18 regulations.

19 (2)(a) "Personally identifiable student-level data" means any  
20 information collected by the office of the superintendent of public  
21 instruction, any state or local educational agency or institution,  
22 the board of directors of a school district, or any third-party  
23 service provider or contractor on behalf of the foregoing related to  
24 a particular identified or identifiable student in Washington,  
25 including, but not limited to:

- 26 (i) The student's name;  
27 (ii) The name of the student's parent or other family members;  
28 (iii) The address of the student or student's family;  
29 (iv) A personal identifier, such as the student's social security  
30 number, or student number;  
31 (v) Other indirect identifiers, such as the student's date of  
32 birth, place of birth, and mother's maiden name;

1 (vi) Other information that, alone or in combination, is linked  
2 or linkable to a specific student that would allow a reasonable  
3 person, who does not have personal knowledge of the relevant  
4 circumstances, to identify the student with reasonable certainty; or

5 (vii) Information requested by a person who the educational  
6 agency or institution reasonably believes knows the identity of the  
7 student to whom the education record relates.

8 (b) Personally identifiable student-level data does not include  
9 any anonymous and aggregated data that cannot be used to link  
10 specific information to a particular student.

11 (3) "School enhancement products and services" means school-  
12 related products and services that are customarily offered under the  
13 direction or for the benefit of the public agency, organization, or  
14 school community, such as school photography, yearbooks, graduation  
15 products, and class rings.

16 (4) "Targeted advertising" means presenting advertisements to a  
17 student where the advertisement is selected based on information  
18 obtained or inferred from that student's online behavior, usage of  
19 applications, or personally identifiable data. Targeted advertising  
20 does not include advertising to a student at an online location based  
21 upon that student's current visit to that location or single search  
22 query without collection and retention of a student's online  
23 activities over time or across different web sites or applications.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300  
25 RCW to read as follows:

26 The superintendent of public instruction, or any employee or  
27 contractor of the superintendent, shall not collect, retain, or use  
28 in any manner, student biometric information unless it is necessary  
29 to implement an individualized education program or plan developed  
30 under section 504 of the rehabilitation act of 1973. For the purposes  
31 of this section, "biometric information" means a record of one or  
32 more measurable biological or behavioral characteristics that can be  
33 used for automated recognition of an individual. Examples include  
34 fingerprints; retina and iris patterns; voiceprints; DNA sequence;  
35 facial characteristics; and handwriting.

36 **Sec. 4.** RCW 28A.300.500 and 2007 c 401 s 2 are each amended to  
37 read as follows:

1 (1) The office of the superintendent of public instruction is  
2 authorized to establish a longitudinal student data system for and on  
3 behalf of school districts in the state. The primary purpose of the  
4 data system is to better aid research into programs and interventions  
5 that are most effective in improving student performance, better  
6 understand the state's public educator workforce, and provide  
7 information on areas within the educational system that need  
8 improvement.

9 (2) The confidentiality of personally identifiable student data  
10 shall be safeguarded consistent with the requirements of the federal  
11 family educational rights privacy act and applicable state laws.  
12 Consistent with the provisions of these federal and state laws, data  
13 may be disclosed for educational purposes and studies, including but  
14 not limited to:

15 (a) Educational studies authorized or mandated by the state  
16 legislature;

17 (b) Studies initiated by other state educational authorities and  
18 authorized by the office of the superintendent of public instruction,  
19 including analysis conducted by the education data center established  
20 under RCW 43.41.400; and

21 (c) Studies initiated by other public or private agencies and  
22 organizations and authorized by the office of the superintendent of  
23 public instruction.

24 (3) The office of the superintendent of public instruction shall  
25 grant parents and legal guardians access to any student record that  
26 is a record of a child of the parent or a child in the care of the  
27 legal guardian, including records that contain personally  
28 identifiable data, unless the student is age eighteen or older.

29 (4) Any public agency or organization or any private contractor  
30 or vendor, that is authorized by the office of the superintendent of  
31 public instruction to access student-level data shall adhere to all  
32 federal and state laws protecting student data and safeguarding the  
33 confidentiality and privacy of student records. All public agencies  
34 or organizations and private contractors or vendors, that receive  
35 personally identifiable student-level data from the office of the  
36 superintendent of public instruction and to the extent they are  
37 providing services to the office of the superintendent of public  
38 instruction shall ensure the following:

39 (a) All personally identifiable student-level data is used solely  
40 for the purpose for which the disclosure was intended;

1 (b) No personally identifiable student-level data is sold or used  
2 for secondary purposes such as marketing or targeted advertising;

3 (c) All personally identifiable student-level data, including  
4 backup copies, is destroyed when it is no longer required for the  
5 purposes for which it was disclosed, or upon agreement or contract  
6 termination, or project completion;

7 (d) A record is kept of any requests for access to the personally  
8 identifiable student-level data;

9 (e) No personally identifiable student-level data is disclosed to  
10 any other individual or entity without the prior written consent of  
11 the parent, legal guardian, or student if the student is age eighteen  
12 or older unless the entity is an educational agency or institution  
13 that abides by the data security requirements of this section and the  
14 federal family educational rights and privacy act and corresponding  
15 regulations;

16 (f) The provisions of this subsection (4) shall not apply to use  
17 or disclosure of personally identifiable student-level data by a  
18 private contractor or vendor to a service provider, provided the  
19 private contractor or vendor:

20 (i) Prohibits the service provider from using any personally  
21 identifiable student-level data for any purpose other than providing  
22 the contracted service to, or on behalf of, the private contractor or  
23 vendor for the educational purposes for which such data was  
24 originally disclosed to the private contractor or vendor;

25 (ii) Prohibits the service provider from disclosing any  
26 personally identifiable student-level data provided by the private  
27 contractor or vendor to subsequent third parties unless the  
28 disclosure is otherwise permitted by this section; and

29 (iii) Requires the service provider to comply with the  
30 requirements of this section.

31 (5) Any public agency or organization that possesses personally  
32 identifiable student-level data shall take special precautions to  
33 avoid accidental disclosure of the data, including encryption  
34 whenever feasible. Private contractors or vendors shall employ  
35 industry standard methods to ensure security of all personally  
36 identifiable student-level data that they receive, store, use, and  
37 transmit.

38 ~~((4))~~ (6) Nothing in this section precludes the office of the  
39 superintendent of public instruction from collecting and distributing

1 aggregate data about students or student-level data without  
2 personally identifiable information.

3 (7) Nothing in this section precludes the office of the  
4 superintendent of public instruction from releasing directory  
5 information for the purpose of making available to parents and  
6 students school enhancement products and services as authorized by  
7 the office of the superintendent of public instruction, as long as  
8 any outside party receiving directory information for these purposes  
9 is prohibited from secondary use or sale of the information and is  
10 required to comply with all other provisions of this section.

11 (8) Nothing in this section prohibits the use of personally  
12 identifiable student-level data for adaptive learning, personalized  
13 learning, or customized education.

14 (9) Nothing in this section may be construed to impede the  
15 ability of students to download, export, or otherwise save or  
16 maintain their own student data or documents.

17 **Sec. 5.** RCW 28A.300.507 and 2009 c 548 s 203 are each amended to  
18 read as follows:

19 (1) A K-12 data governance group shall be established within the  
20 office of the superintendent of public instruction to assist in the  
21 design and implementation of a K-12 education data improvement system  
22 for financial, student, and educator data. It is the intent that the  
23 data system reporting specifically serve requirements for teachers,  
24 parents, superintendents, school boards, the office of the  
25 superintendent of public instruction, the legislature, and the  
26 public.

27 (2) The K-12 data governance group shall include representatives  
28 of the education data center, the office of the superintendent of  
29 public instruction, the legislative evaluation and accountability  
30 program committee, the professional educator standards board, the  
31 state board of education, and school district staff, including  
32 information technology staff. Additional entities with expertise in  
33 education data may be included in the K-12 data governance group.

34 (3) The K-12 data governance group shall:

35 (a) Develop a detailed data security plan and procedures to  
36 govern the use and maintenance of data systems, including ensuring  
37 the use of appropriate administrative, physical, and technical  
38 safeguards for electronic and physical personally identifiable  
39 student-level data at the state level; and develop a model plan

1 consistent with this chapter for school districts to use to safeguard  
2 personally identifiable student-level data at the school district  
3 level;

4 (b) Identify the critical research and policy questions that need  
5 to be addressed by the K-12 education data improvement system;

6 ~~((b))~~ (c) Identify reports and other information that should be  
7 made available on the internet in addition to the reports identified  
8 in subsection (5) of this section;

9 ~~((c))~~ (d) Create a comprehensive needs requirement document  
10 detailing the specific information and technical capacity needed by  
11 school districts and the state to meet the legislature's expectations  
12 for a comprehensive K-12 education data improvement system as  
13 described under RCW 28A.655.210;

14 ~~((d))~~ (e) Conduct a gap analysis of current and planned  
15 information compared to the needs requirement document, including an  
16 analysis of the strengths and limitations of an education data system  
17 and programs currently used by school districts and the state, and  
18 specifically the gap analysis must look at the extent to which the  
19 existing data can be transformed into canonical form and where  
20 existing software can be used to meet the needs requirement document;

21 ~~((e))~~ (f) Focus on financial and cost data necessary to support  
22 the new K-12 financial models and funding formulas, including any  
23 necessary changes to school district budgeting and accounting, and on  
24 assuring the capacity to link data across financial, student, and  
25 educator systems; and

26 ~~((f))~~ (g) Define the operating rules and governance structure  
27 for K-12 data collections, ensuring that data systems are flexible  
28 and able to adapt to evolving needs for information, within an  
29 objective and orderly data governance process for determining when  
30 changes are needed and how to implement them. Strong consideration  
31 must be made to the current practice and cost of migration to new  
32 requirements. The operating rules should delineate the coordination,  
33 delegation, and escalation authority for data collection issues,  
34 business rules, and performance goals for each K-12 data collection  
35 system, including:

36 (i) Defining and maintaining standards for privacy and  
37 confidentiality;

38 (ii) Setting data collection priorities;

39 (iii) Defining and updating a standard data dictionary;

40 (iv) Ensuring data compliance with the data dictionary;

1 (v) Ensuring data accuracy; and  
2 (vi) Establishing minimum standards for school, student,  
3 financial, and teacher data systems. Data elements may be specified  
4 "to the extent feasible" or "to the extent available" to collect more  
5 and better data sets from districts with more flexible software.  
6 Nothing in RCW 43.41.400, this section, or RCW 28A.655.210 should be  
7 construed to require that a data dictionary or reporting should be  
8 hobbled to the lowest common set. The work of the K-12 data  
9 governance group must specify which data are desirable. Districts  
10 that can meet these requirements shall report the desirable data.  
11 Funding from the legislature must establish which subset data are  
12 absolutely required.

13 (4)(a) The K-12 data governance group shall provide updates on  
14 its work as requested by the education data center and the  
15 legislative evaluation and accountability program committee.

16 (b) The work of the K-12 data governance group shall be  
17 periodically reviewed and monitored by the educational data center  
18 and the legislative evaluation and accountability program committee.

19 (5) To the extent data is available, the office of the  
20 superintendent of public instruction shall make the following minimum  
21 reports available on the internet. The reports must either be run on  
22 demand against current data, or, if a static report, must have been  
23 run against the most recent data:

24 (a) The percentage of data compliance and data accuracy by school  
25 district;

26 (b) The magnitude of spending per student, by student estimated  
27 by the following algorithm and reported as the detailed summation of  
28 the following components:

29 (i) An approximate, prorated fraction of each teacher or human  
30 resource element that directly serves the student. Each human  
31 resource element must be listed or accessible through online  
32 tunneling in the report;

33 (ii) An approximate, prorated fraction of classroom or building  
34 costs used by the student;

35 (iii) An approximate, prorated fraction of transportation costs  
36 used by the student; and

37 (iv) An approximate, prorated fraction of all other resources  
38 within the district. District-wide components should be disaggregated  
39 to the extent that it is sensible and economical;

1 (c) The cost of K-12 basic education, per student, by student, by  
2 school district, estimated by the algorithm in (b) of this  
3 subsection, and reported in the same manner as required in (b) of  
4 this subsection;

5 (d) The cost of K-12 special education services per student, by  
6 student receiving those services, by school district, estimated by  
7 the algorithm in (b) of this subsection, and reported in the same  
8 manner as required in (b) of this subsection;

9 (e) Improvement on the statewide assessments computed as both a  
10 percentage change and absolute change on a scale score metric by  
11 district, by school, and by teacher that can also be filtered by a  
12 student's length of full-time enrollment within the school district;

13 (f) Number of K-12 students per classroom teacher on a per  
14 teacher basis;

15 (g) Number of K-12 classroom teachers per student on a per  
16 student basis;

17 (h) Percentage of a classroom teacher per student on a per  
18 student basis; and

19 (i) The cost of K-12 education per student by school district  
20 sorted by federal, state, and local dollars.

21 (6) The superintendent of public instruction shall submit a  
22 preliminary report to the legislature by November 15, 2009, including  
23 the analyses by the K-12 data governance group under subsection (3)  
24 of this section and preliminary options for addressing identified  
25 gaps. A final report, including a proposed phase-in plan and  
26 preliminary cost estimates for implementation of a comprehensive data  
27 improvement system for financial, student, and educator data shall be  
28 submitted to the legislature by September 1, 2010.

29 (7) All reports and data referenced in this section and RCW  
30 43.41.400 and 28A.655.210 shall be made available in a manner  
31 consistent with the technical requirements of the legislative  
32 evaluation and accountability program committee and the education  
33 data center so that selected data can be provided to the legislature,  
34 governor, school districts, and the public.

35 (8) Reports shall contain data to the extent it is available. All  
36 reports must include documentation of which data are not available or  
37 are estimated. Reports must not be suppressed because of poor data  
38 accuracy or completeness. Reports may be accompanied with  
39 documentation to inform the reader of why some data are missing or  
40 inaccurate or estimated.



1        NEW SECTION.    **Sec. 6.**    A new section is added to chapter 28A.310  
2    RCW to read as follows:

3        (1) Any public agency or organization or any private contractor  
4    or vendor, that is authorized by the educational service district  
5    board to access student-level data must adhere to all federal and  
6    state laws protecting student data and safeguarding the  
7    confidentiality and privacy of student records. All public agencies  
8    or organizations and private contractors or vendors, that receive  
9    personally identifiable student-level data from the educational  
10   service district and to the extent they are providing services to the  
11   educational service district shall ensure the following:

12        (a) All personally identifiable student-level data is used solely  
13   for the purpose for which the disclosure was intended;

14        (b) No personally identifiable student-level data is sold or used  
15   for secondary purposes such as marketing or targeted advertising  
16   purposes;

17        (c) All personally identifiable student-level data, including  
18   backup copies, is destroyed when it is no longer required for the  
19   purposes for which it was disclosed, or upon agreement or contract  
20   termination, or project completion;

21        (d) A record is kept of any requests for access to the personally  
22   identifiable student-level data;

23        (e) No personally identifiable student-level data is disclosed to  
24   any other individual or entity without the prior written consent of  
25   the parent, legal guardian, or student if the student is age eighteen  
26   or older unless the entity is an educational agency or institution  
27   that abides by the data security requirements of this section and the  
28   federal family educational rights and privacy act and corresponding  
29   regulations;

30        (f) The provisions of this subsection (1) shall not apply to use  
31   or disclosure of personally identifiable student-level data by a  
32   private contractor or vendor to a service provider, provided the  
33   private contractor or vendor:

34        (i) Prohibits the service provider from using any personally  
35   identifiable student-level data for any purpose other than providing  
36   the contracted service to, or on behalf of, the private contractor or  
37   vendor for the educational purposes for which such data was  
38   originally disclosed to the private contractor or vendor;

39        (ii) Prohibits the service provider from disclosing any  
40   personally identifiable student-level data provided by the private

1 contractor or vendor to subsequent third parties unless the  
2 disclosure is otherwise permitted by this section; and

3 (iii) Requires the service provider to comply with the  
4 requirements of this section.

5 (2) Any public agency or organization that possesses personally  
6 identifiable student-level data shall take special precautions to  
7 avoid accidental disclosure of the data, including encryption  
8 whenever feasible. Private contractors or vendors shall employ  
9 industry standard methods to ensure security of all personally  
10 identifiable student-level data that they receive, store, use, and  
11 transmit.

12 (3) Nothing in this section precludes the educational service  
13 district from collecting and distributing aggregate data about  
14 students or student-level data without personally identifiable  
15 information.

16 (4) Nothing in this section precludes the educational service  
17 district from releasing directory information for the purpose of  
18 making available to parents and students school enhancement products  
19 and services as authorized by the educational service district, as  
20 long as any outside party receiving directory information for these  
21 purposes is prohibited from secondary use or sale of the information  
22 and is required to comply with all other provisions of this section.

23 (5) Nothing in this section prohibits the use of personally  
24 identifiable student-level data for adaptive learning, personalized  
25 learning, or customized education.

26 (6) Nothing in this section may be construed to impede the  
27 ability of students to download, export, or otherwise save or  
28 maintain their own student data or documents.

29 (7) The definitions in section 2 of this act apply in this  
30 section.

31 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.310  
32 RCW to read as follows:

33 No educational service district board, educational service  
34 district, employee, or contractor may collect, retain, or use in any  
35 manner, student biometric information unless it is necessary to  
36 implement an individualized education program or plan developed under  
37 section 504 of the rehabilitation act of 1973. For the purposes of  
38 this section, "biometric information" means a record of one or more  
39 measurable biological or behavioral characteristics that can be used

1 for automated recognition of an individual. Examples include  
2 fingerprints; retina and iris patterns; voiceprints; DNA sequence;  
3 facial characteristics; and handwriting.

4 **Sec. 8.** RCW 28A.320.035 and 1997 c 267 s 1 are each amended to  
5 read as follows:

6 (1)(a) The board of directors of a school district may contract  
7 with other school districts, educational service districts, public or  
8 private organizations, agencies, schools, or individuals to implement  
9 the board's powers and duties. The board of directors of a school  
10 district may contract for goods and services, including but not  
11 limited to contracts for goods and services as specifically  
12 authorized in statute or rule, as well as other educational,  
13 instructional, and specialized services. When a school district board  
14 of directors contracts for educational, instructional, or specialized  
15 services, the purpose of the contract must be to improve student  
16 learning or achievement.

17 ((+2)) (b) A contract under ((subsection (1) of)) this section  
18 may not be made with a religious or sectarian organization or school  
19 where the contract would violate the state or federal Constitution.

20 (c) Any public agency or organization or any private contractor  
21 or vendor, that is authorized by the school district board of  
22 directors or any school in the district to access student-level data  
23 must adhere to all federal and state laws protecting student data and  
24 safeguarding the confidentiality and privacy of student records. All  
25 public agencies or organizations and private contractors or vendors,  
26 that receive personally identifiable student-level data from the  
27 school district board of directors or any school in the district and  
28 to the extent they are providing services to the school district  
29 board of directors or any school in the district shall ensure the  
30 following:

31 (i) All personally identifiable student-level data is used solely  
32 for the purpose for which the disclosure was intended;

33 (ii) No personally identifiable student-level data is sold or  
34 used for secondary purposes such as marketing or targeted  
35 advertising;

36 (iii) All personally identifiable student-level data, including  
37 backup copies, is destroyed when it is no longer required for the  
38 purposes for which it was disclosed, or upon agreement or contract  
39 termination, or project completion;

1 (iv) A record is kept of any requests for access to the  
2 personally identifiable student-level data;

3 (v) No personally identifiable student-level data is disclosed to  
4 any other individual or entity without the prior written consent of  
5 the parent, legal guardian, or student if the student is age eighteen  
6 or older unless the entity is an educational agency or institution  
7 that abides by the data security requirements of this section and the  
8 federal family educational rights and privacy act and corresponding  
9 regulations;

10 (vi) The provisions of this subsection (1) shall not apply to use  
11 or disclosure of personally identifiable student-level data by a  
12 private contractor or vendor to a service provider, provided the  
13 private contractor or vendor:

14 (A) Prohibits the service provider from using any personally  
15 identifiable student-level data for any purpose other than providing  
16 the contracted service to, or on behalf of, the private contractor or  
17 vendor for the educational purposes for which such data was  
18 originally disclosed to the private contractor or vendor;

19 (B) Prohibits the service provider from disclosing any personally  
20 identifiable student-level data provided by the private contractor or  
21 vendor to subsequent third parties unless the disclosure is otherwise  
22 permitted by this section; and

23 (C) Requires the service provider to comply with the requirements  
24 of this section.

25 (d) Any public agency or organization that possesses personally  
26 identifiable student-level data shall take special precautions to  
27 avoid accidental disclosure of the data, including encryption  
28 whenever feasible. Private contractors or vendors shall employ  
29 industry standard methods to ensure security of all personally  
30 identifiable student-level data that they receive, store, use, and  
31 transmit.

32 (2) Nothing in this section precludes the school district from  
33 collecting and distributing aggregate data about students or student-  
34 level data without personally identifiable information.

35 (3) Nothing in this section precludes the school district board  
36 of directors or any school in the district from releasing directory  
37 information for the purpose of making available to parents and  
38 students school enhancement products and services as authorized by  
39 the school district board of directors or any school in the district,  
40 as long as any outside party receiving directory information for

1 these purposes is prohibited from secondary use or sale of the  
2 information and is required to comply with all other provisions of  
3 this section.

4 (4) Nothing in this section prohibits the use of personally  
5 identifiable student-level data for adaptive learning, personalized  
6 learning, or customized education.

7 (5) Nothing in this section may be construed to impede the  
8 ability of students to download, export, or otherwise save or  
9 maintain their own student data or documents.

10 (6) The definitions in section 2 of this act apply in this  
11 section.

12 NEW SECTION. Sec. 9. A new section is added to chapter 28A.320  
13 RCW to read as follows:

14 No school district board of directors, school, employee, or  
15 contractor may collect, retain, or use in any manner, student  
16 biometric information unless it is necessary to implement an  
17 individualized education program or plan developed under section 504  
18 of the rehabilitation act of 1973. For the purposes of this section,  
19 "biometric information" means a record of one or more measurable  
20 biological or behavioral characteristics that can be used for  
21 automated recognition of an individual. Examples include  
22 fingerprints; retina and iris patterns; voiceprints; DNA sequence;  
23 facial characteristics; and handwriting.

24 **Sec. 10.** RCW 28A.605.030 and 1997 c 119 s 1 are each amended to  
25 read as follows:

26 (1) The parent or guardian of a student who is or has been in  
27 attendance at a school has the right to review all education records  
28 of the student. A school may not release the education records of a  
29 student without the written consent of the student's parent or  
30 guardian, except as authorized by RCW 28A.600.475 and the family  
31 educational and privacy rights act of 1974, 20 U.S.C. Sec. 1232g.

32 (2) The board of directors of each school district shall  
33 establish a procedure for:

34 ~~((1))~~ (a) Granting the request by a parent or guardian for  
35 access to the education records of his or her child that provides  
36 that:

37 (i) Records shall be provided electronically, if practicable;

38 (ii) No fee may be charged for the inspection of records; and

1        (iii) If the records are provided in a nonelectronic format, then  
2 the school district may impose a reasonable charge to cover the  
3 actual costs directly incident to the copying; and

4        ~~((+2))~~ (b) Prohibiting the release of student information  
5 without the written consent of the student's parent or guardian,  
6 after the parent or guardian has been informed what information is  
7 being requested, who is requesting the information and why, and what  
8 will be done with the information.

9        (3) The procedure adopted by the school district must be in  
10 compliance with the family educational and privacy rights act of  
11 1974, 20 U.S.C. Sec. 1232g."

**SSB 5316 - S AMD 114**

By Senators Dammeier, Rolfes

**ADOPTED 3/4/2015**

12        On page 1, line 2 of the title, after "information;" strike the  
13 remainder of the title and insert "amending RCW 28A.300.500,  
14 28A.300.507, 28A.320.035, and 28A.605.030; adding new sections to  
15 chapter 28A.300 RCW; adding new sections to chapter 28A.310 RCW;  
16 adding a new section to chapter 28A.320 RCW; and creating a new  
17 section."

EFFECT: Changes the definition of "personally identifiable  
student-level data."

Adds a definition for "targeted advertising."

Adds an exception to the provisions prohibiting the collection,  
retention, or use of student biometric information for individualized  
education programs and section 504 plans.

Revises the definition for "biometric information."

Removes the provisions that state personally identifiable  
student-level data must not be disclosed to any other third party  
unless the disclosure is necessary to meet (1) a legitimate need for  
the data to support the particular student's education or (2) the  
needs of an educational study or educational purpose specifically  
authorized by a public agency.

Removes the provisions that state nothing limits disclosure of  
information allowed under FERPA.

Removes the word "specifically" from the provision limiting the  
use of personally identifiable student-level data to the purpose for  
which the disclosure was specifically intended.

Specifies that personally identifiable student-level data may not  
be sold or used for secondary purposes such as marketing or targeted  
advertising purposes.

States that data must be destroyed when it is no longer required  
for the purposes for which it was disclosed.

Removes the provisions that apply to public agencies or  
organizations and private contractors or vendors that receive

personally identifiable student-level data and requires them to grant parents and legal guardians access to any student record that is a record of a child of the parent or a child in the care of the legal guardian.

Clarifies that personally identifiable student-level data may be disclosed to an educational agency or institution that abides by the data security requirements and FERPA.

Adds provisions stating that nothing may be construed to impede the ability of students to download, export, or otherwise save or maintain their own student data or documents.

Adds provisions stating that requirements shall not apply to use or disclosure of personally identifiable student-level data by a private contractor or vendor to a service provided when certain requirements are met.

Revises the security requirements for private contractors or vendors.

Adds provisions stating that nothing prohibits the use of personally identifiable student-level data for adaptive learning, personalized learning, or customized education.

Moves the provision regarding directory information so that they apply to the entire section.

Adds a section that applies the requirements regarding personally identifiable student-level data to data received from educational service districts.

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