

# HOUSE BILL REPORT

## HB 1771

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**As Passed House:**  
March 10, 2015

**Title:** An act relating to the professional educator standards board as an authorized representative of the state educational agencies.

**Brief Description:** Confirming that the professional educator standards board is an authorized representative of the state educational agencies.

**Sponsors:** Representatives Gregory, Magendanz, Lytton, Muri and Pollet; by request of Professional Educator Standards Board.

**Brief History:**

**Committee Activity:**

Education: 2/12/15, 2/19/15 [DP].

**Floor Activity:**

Passed House: 3/10/15, 57-41.

**Brief Summary of Bill**

- Provides that the Professional Educator Standards Board is an authorized representative of the state's educational agencies for the purpose of accessing and compiling student record data for research, monitoring, and evaluation purposes.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass. Signed by 17 members: Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist, Caldier, Fagan, Gregory, Hayes, S. Hunt, Kilduff, Lytton, Orwall, Pollet and Springer.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Griffey, Hargrove, Klippert and McCaslin.

**Staff:** Megan Wargacki (786-7194).

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*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.*

## **Background:**

### Professional Educator Standards Board.

The purpose of the Professional Educator Standards Board (PESB), a 13-member board, is to establish policies and requirements for the preparation and certification of educators. These policies must provide:

- standards for competency in professional knowledge and practice in the areas of certification;
- a foundation of skills, knowledge, and attitudes necessary to help students with diverse needs, abilities, cultural experiences, and learning styles;
- knowledge of research-based practice; and
- professional development throughout a career.

The PESB must also maintain data concerning educator preparation programs and their quality, educator certification, educator employment trends and needs, and other data deemed relevant by the PESB.

### Family Educational Rights and Privacy Act.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. The FERPA gives parents and eligible students (18 years and older, or attending postsecondary school) certain rights with respect to the student's education records:

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school.
- Parents or eligible students have the right to request that a school correct records that they believe to be inaccurate or misleading.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education records.

The FERPA allows schools to disclose information from a student's education records, without consent, to certain parties or under certain conditions. A school may disclose information in a student's records, without consent, to authorized representatives of state and local educational authorities for audit or evaluation of federal or state supported education programs. However, reasonable methods must be used to ensure the information is:

- used for authorized purposes only;
- is protected from further disclosure or other uses; and
- is destroyed when no longer needed.

A school may also disclose information in a student's records, without consent, to organizations conducting studies or research on behalf of educational agencies or institutions when:

- The study is conducted so only representatives of the organization who have legitimate interests in the information can identify the student or parents.
- The information is destroyed when no longer needed.
- The educational agency or institution or the state or local educational authority agrees to these terms.

**Summary of Bill:**

The PESB is expressly named as an authorized representative of the state's educational agencies for the purpose of accessing and compiling student record data for research, monitoring, and evaluation purposes.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The bill would provide the PESB the ability to collect the data they need to carry out the tasks they are required to do. The issue that the PESB is not defined as an educational agency came to the PESB's attention when it started compiling information about teacher candidates. The PESB's attorney general told the PESB they are an educational agency, but the institutions' attorney general requested indemnification of any errors in data transmission in the data sharing agreement. This was not possible. This bill fixes the concerns and makes the PESB responsible for the data. The concerns of the institutions do not reduce the requirement that the PESB enters into a data share agreement each time it wants to monitor data.

(Opposed) The institution's attorney generals do not think the PESB is an education agency, so this bill does not confirm that proposition. The institutions are concerned about how the PESB handles their data. The institutions believe that the PESB uses questionable statistics. There are so many variables that determine whether a teacher is effective, besides the quality of the teacher prep program. The Education Research and Data Center can do the data analysis better than the PESB and is already a designated educational agency. This bill would allow the PESB to get disaggregated personalized data from educator preparation programs. The vast majority of preparation programs do not think this bill would protect them anymore than they already are protected.

**Persons Testifying:** (In support) Representative Gregory, prime sponsor; and David Brenna, Professional Standards Board.

(Opposed) Bob Cooper, Washington Association of Colleges for Teacher Education.

**Persons Signed In To Testify But Not Testifying:** None.