

SENATE BILL REPORT

HB 1771

As of March 27, 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: Passed House: 3/10/15, 57-41.

Committee Activity: Early Learning & K-12 Education: 3/24/15.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Matthew Lemon (786-7405)

Background: Professional Educator Standards Board (PESB). The Washington PESB is responsible for establishing policies and requirements for the preparation and certification of education professionals. PESB is required to ensure educators seeking certification:

- are competent in the professional knowledge and practice for which they are being certified;
- have a foundation of skills, knowledge, and attitudes necessary to help students with diverse needs, abilities, cultural experiences, and learning styles meet or exceed the state learning goals; and
- are committed to research-based practices and career-long professional development.

PESB regularly requires educator preparation programs at universities and colleges to collect and report aggregated data to the state for purposes of research and monitoring certification program effectiveness.

Family Educational Rights and Privacy Act (FERPA). The federal FERPA provides various privacy protections for student educational records. FERPA gives parents the same privacy and access rights with respect to the education records of their minor children. FERPA applies to all schools receiving funding from the federal Department of Education and state education agencies. Schools are required to notify students and parents of their FERPA rights on an annual basis. Under FERPA, students have the right to:

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- inspect and review their education records maintained by their school;
- request that a school correct their records, if they believe them to be inaccurate or misleading; and
- generally require schools to obtain written consent from the student – or parent, in the case of a minor, before releasing any information from a student's education record.

Certain exceptions from FERPA exist for a school to release information from a student's educational record without consent. Directory information such as the student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance at the school are exempt from FERPA and may be disclosed to third parties without express written consent. Schools may also disclose FERPA records to the following parties or under the following conditions:

- school officials with a legitimate educational interest;
- other schools to which a student is transferring;
- specified officials, including authorized representatives of state and local education authorities, for audit or evaluation purposes;
- appropriate parties in connection with financial aid to a student;
- organizations conducting certain studies for or on behalf of the school;
- accrediting organizations;
- to comply with a judicial order or lawfully issued subpoena;
- appropriate officials in cases of health and safety emergencies; and
- state and local authorities of the juvenile justice system.

Summary of Bill: The legislative intent is specified as clarifying that data exchanged between educator preparation programs and PESB are protected under FERPA. 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.

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 clarifies in statute that PESB is an authorized representative of the state educational agencies and PESB needs this to do its work collecting data and conducting research, monitoring, and evaluation of teacher preparation programs. PESB's intent is to assure universities that the data transmitted between the universities and PESB is protected under FERPA. This clarifies that issue and indemnifies universities. PESB intends to continue the current practice of asking schools to collect and hold data; conduct analytics; and provide aggregated data to PESB. However, PESB may face future federal requirements to that may require the ability to trace preparation program completers into classrooms in order to determine if they are having a positive impact on students.

CON: The assistant attorneys general at six public institutions of higher education have determined that PESB is not an authorized representative of the state educational agencies and this is what is impeding the provision of individualized data to PESB. Some institutions have issues with the way that PESB handles data and feel that PESB has a disjointed approach to data collection and uses questionable statistical analysis. This bill would provide PESB with the authority to request student-level data throughout the state's education system and this data could be used at some point to tie preparation programs to K–12 performance. Some organizations believe this would be an improper and invalid use of that data.

Persons Testifying: PRO: Representative Gregory, prime sponsor; David Brenna, PESB.

CON: Bob Cooper, WA Assn. of Colleges for Teacher Education.

Persons Signed in to Testify But Not Testifying: No one.