

HOUSE BILL REPORT

SSB 6053

As Reported by House Committee On:
Postsecondary Education & Workforce

Title: An act relating to improving equitable access to postsecondary education by improving data sharing between the office of the superintendent of public instruction, the Washington student achievement council, and institutions of higher education.

Brief Description: Improving equitable access to postsecondary education.

Sponsors: Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Holy, Lovick, Mullet, Nguyen, Shewmake, Valdez and Wilson, C.; by request of Student Achievement Council).

Brief History:

Committee Activity:

Postsecondary Education & Workforce: 2/14/24, 2/16/24 [DPA].

Brief Summary of Substitute Bill
(As Amended by Committee)

- Requires the Washington Student Achievement Council to enter into data-sharing agreements with the Office of the Superintendent of Public Instruction to facilitate the transfer of high school student directory information for the purpose of informing high school students of postsecondary financial aid and educational opportunities available in the state.

HOUSE COMMITTEE ON POSTSECONDARY EDUCATION & WORKFORCE

Majority Report: Do pass as amended. Signed by 8 members: Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Leavitt, Nance, Paul, Pollet and Timmons.

Minority Report: Without recommendation. Signed by 4 members: Representatives

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

Ybarra, Ranking Minority Member; Jacobsen, McEntire and Schmidt.

Staff: Saranda Ross (786-7068).

Background:

The Office of the Superintendent of Public Instruction.

In addition to its constitutional charge of supervising all matters pertaining to public schools, the Superintendent of Public Instruction and its office has numerous and broad responsibilities prescribed in statute, including:

- making rules and regulations necessary for the administration of public education requirements;
- preparing courses of study and other materials and books for the discharge of education duties;
- fulfilling financial responsibilities, including distributing legislatively allocated funds to districts for the operation of the public school system, and awarding numerous state and federally funded grants; and
- satisfying numerous reporting and other duties assigned by the Legislature.

The Office of the Superintendent of Public Instruction (OSPI) also operates a longitudinal student data system for and on behalf of school districts in the state. The primary purpose of the data system is to better aid research into programs and interventions that are most effective in improving student performance, better understand the state's public educator workforce, and provide information on areas within the educational system that need improvement. School districts that collect and submit information to the OSPI for the data system must use a unique statewide student identifier for each student.

Privacy for Student Education Records.

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records in schools that receive funding for United States Department of Education programs.

Education records are defined as records that contain information directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. With some exceptions, personally identifiable information from a student's education record may not be released without the written consent of the parent or student if the student is 18 years of age or older. Examples of exceptions include disclosure to school officials with a legitimate educational interest, to other schools to which a student is transferring, and to authorized representatives of state and local educational authorities for audit or evaluation of federal or state supported education programs.

Higher Education Data-Sharing Agreements.

By November 1, 2024, and each year thereafter, each school district that operates a high school must annually transmit high school student directory information to the OSPI.

Directory information means the names, addresses, email addresses, and telephone numbers of students and their parents or legal guardians. The OSPI, through data-sharing agreements with public institutions of higher education, must make this information available to institutions for the purpose of informing high school students of postsecondary educational opportunities available in the state.

These data-sharing agreements include student enrollment and outcome information from institutions of higher education to the OSPI, and require institutions to maintain the statewide identifier for each student. Federally designated minority serving institutions of higher education may enter into these data-sharing agreements with the OSPI. To the extent possible, the OSPI must transmit student enrollment information to the enrolled students' host districts for the current year and must identify a process for making this information available to school districts by the 2025-26 school year.

The student directory information data provided to the OSPI is solely for:

- providing information related to college awareness and admissions at institutions of higher education; and
- providing enrollment and outcome information to the OSPI and to school districts related to students from their respective school district.

Data-sharing agreements between the OSPI and a community or technical college (CTC) are limited to informing high school students of postsecondary educational opportunities available within a college's service district. The State Board for Community and Technical Colleges may coordinate with all CTCs to develop a single data-sharing agreement between the CTCs and the OSPI.

In transmitting the student information, school districts must comply with the consent procedures governing student education records, the FERPA, and all applicable rules and regulations.

Education Research and Data Center.

The Education Research and Data Center (ERDC) conducts collaborative analyses of early learning, kindergarten through grade 12, and higher education programs and education issues across the preschool through higher education system. The ERDC provides information and research about transitions between the education and workforce sectors to assist students, parents, educators, and policy makers in making decisions. Information is presented in various data dashboards.

Washington Student Achievement Council.

The Washington Student Achievement Council (WSAC) is a state agency consisting of nine voting members. The WSAC provides strategic planning, oversight, advocacy, and program administration to support increased student success and higher levels of educational attainment. The Office of Student Financial Assistance (Office) operates within the WSAC. The Office administers state and federal financial aid and other education

service programs.

Summary of Amended Bill:

The WSAC must enter into data-sharing agreements with the OSPI to facilitate the transfer of high school student directory information. The purpose of these data sharing agreements is modified to include informing high school students of postsecondary financial aid opportunities in addition to postsecondary educational opportunities. The student enrollment and outcome information provided from institutions of higher education to the OSPI under these data-sharing agreements is now provided from the ERDC to the OSPI.

Agreements entered into between the WSAC and the OSPI must obligate the WSAC to maintain the statewide student identifier for each student.

Amended Bill Compared to Substitute Bill:

The amended bill removes the ability of nonpublic universities, colleges, schools, or institutions in the State of Washington that are bachelor degree granting institutions and member institutions of an accrediting association recognized by rule of the WSAC to enter into student data-sharing agreements with the OSPI, and maintains the ability of federally designated minority-serving institutions of higher education that are bachelor degree granting institutions to enter into these data-sharing agreements with the OSPI. The substitute bill also modifies data-sharing agreements to require the ERDC to share student enrollment and outcome information from institutions of higher education with the OSPI.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 14, 2024.

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

Staff Summary of Public Testimony:

(In support) This bill helps ensure high school students are informed of postsecondary educational opportunities and financial aid available to them by streamlining the WSAC's existing access to high school student data through the OSPI. The WSAC already receives the student data outlined in this bill on a district by district basis, primarily to administer the College Bound Scholarship. This process requires more than 1,800 school district staff to upload data individually to a portal maintained by the WSAC. This creates large data gaps and administrative burdens on staff. By building on legislation from last session, which

allowed public institutions of higher education to enter into data-sharing agreements with the OSPI, the WSAC will be able to more efficiently collect data and help school districts and the WSAC staff to spend more time on student support rather than data collection.

(Opposed) None.

(Other) There are concerns about providing for-profit institutions with high school students' contact information.

Persons Testifying: (In support) Senator Jeff Holy, prime sponsor; Joel Anderson, Washington Student Achievement Council; and Kyra Sung, South Puget Sound Community College.

(Other) Ruben Flores, Council of Presidents.

Persons Signed In To Testify But Not Testifying: None.