

SENATE BILL REPORT

SSB 5127

As Passed Senate, March 1, 2023

Title: An act relating to clarifying school districts' ability to redact personal information related to a student in any record maintained by the school district.

Brief Description: Clarifying school districts' ability to redact personal information related to a student.

Sponsors: Senate Committee on State Government & Elections (originally sponsored by Senators Wilson, C., Lovelett, Hasegawa, Hunt, Kuderer, Nobles, Saldaña, Stanford, Van De Wege and Wellman).

Brief History:

Committee Activity: State Government & Elections: 1/13/23, 1/20/23 [DPS, w/oRec].

Floor Activity: Passed Senate: 3/1/23, 27-19.

Brief Summary of First Substitute Bill

- Exempts personal information of children enrolled or who were enrolled in a school district contained in any nonstudent records maintained by local education agencies from public disclosure requirements.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5127 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hunt, Chair; Valdez, Vice Chair; Hasegawa and Kuderer.

Minority Report: That it be referred without recommendation.

Signed by Senators Wilson, J., Ranking Member; Dozier and Fortunato.

Staff: Samuel Brown (786-7470)

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.

Background: Public Records Act. The Public Records Act (PRA), enacted in 1972 as part of Initiative 276, requires all state and local government agencies to make all public records available for public inspection and copying, unless certain statutory exemptions apply. Over 500 specific references in the PRA or other statutes remove certain information from application of the PRA, provide exceptions to the public disclosure and copying of certain information, or designate certain information as confidential. The provisions requiring public records disclosure must be interpreted liberally, while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure.

Children's Personal Information. Personal information, in any files maintained for students in public school, by the Department of Children, Youth, and Families for children enrolled in licensed child care, and for children enrolled in early learning, parks and recreation, youth development, or similar programs is exempt from public disclosure requirements. The Washington Supreme Court has defined personal information as information peculiar or proper to private concerns, rather than any information about an individual.

Summary of First Substitute Bill: The personal information of a child enrolled or who has been enrolled in a school district contained in any records, including correspondence, held by is exempt from public disclosure requirements.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Many parents and school officials are concerned about forms of communication, such as emails, which may contain personal information and are not covered by current protections. This bill would extend those protections and allow school districts to redact personal information about students in any format held by school districts. Frequently, these communications contain information that could jeopardize the physical or mental health or safety of a student, including information that could out a student. We request an amendment to cover both current and former students rather than just “enrolled” students and other school organizations such as educational service districts.

CON: The language in the bill is vague. This would remove the ability of parents to find out which students are accused of harming their child or investigate how schools are handling discipline, and whether this is done in a biased manner. School districts often hold student privacy over parents when they're trying to figure out who information about incidents involving their child.

Persons Testifying: PRO: Senator Claire Wilson, Prime Sponsor; Kristin Murphy, Office of Superintendent of Public Instruction (OSPI).

CON: Rowland Thompson, Allied Daily Newspapers of WA, WA Newspaper Publishers Assn., WA State Assn. of Broadcasters.

Persons Signed In To Testify But Not Testifying: No one.