

# SENATE BILL REPORT

## 2SSB 5593

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As Amended by House, April 12, 2023

**Title:** An act relating to improving equity in the transfer of student data between K-12 schools and institutions of higher education.

**Brief Description:** Improving equity in the transfer of student data between K-12 schools and institutions of higher education.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Liias, Holy, Mullet, Lovick and Wilson, C.).

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/06/23, 2/09/23 [DPS-WM, DNP].

Ways & Means: 2/21/23, 2/23/23 [DP2S, DNP, w/oRec].

**Floor Activity:** Passed Senate: 3/3/23, 40-8.

Passed House: 4/12/23, 89-8.

### Brief Summary of Second Substitute Bill

- Requires public institutions of higher education to enter into data-sharing agreements with the Office of the Superintendent of Public Instruction (OSPI) to facilitate the transfer of high school student directory information for informing high school students of postsecondary educational opportunities in the state.
- Requires school districts with a high school to annually transmit directory information to OSPI by November 1st.
- Directs OSPI, by no later than the 2025-26 school year, to identify a process for providing student enrollment information to school districts.
- Permits the State Board for Community and Technical Colleges to coordinate with all community and technical colleges (CTCs) to develop a single data-sharing agreement between the CTCs and OSPI.

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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 part of the legislation nor does it constitute a statement of legislative intent.*

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## SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5593 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Nobles, Vice Chair; Wilson, C., Vice Chair; Hunt, Mullet and Pedersen.

**Minority Report:** Do not pass.

Signed by Senators Hawkins, Ranking Member; Dozier.

**Staff:** Benjamin Omdal (786-7442)

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## SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 5593 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Nguyen, Pedersen, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

**Minority Report:** Do not pass.

Signed by Senators Rolfes, Chair; Gildon, Assistant Ranking Member, Operating.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Schoesler, Ranking Member, Capital.

**Staff:** Trevor Press (786-7446)

**Background:** The Family Educational Rights and Privacy Act (FERPA) is a federal law that governs the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the United States Department of Education.

The law generally gives parents and guardians the right to inspect and review the student's education records and requires schools to obtain written permission from parents before disclosing any information from a student's educational record. However, schools may disclose certain directory information without consent. Under federal law and regulations, directory information includes, among other items, the student's name, address, telephone number, date and place of birth, and electronic mail address.

Federal regulations under FERPA require that any educational agency or institution disclosing directory information must give public notice to parents or guardians about the following:

- the type of information it has designated as directory information;

- that a parent has a right to refuse to let the agency or institution designate any or all of those types as directory information; and
- the period of time in which the parent has to notify that they do not wish that information to be designated as directory.

The rights of parents and guardians under FERPA transfer to the student upon the student becoming 18 years of age. The board of directors of school districts are required under state law to establish a procedure for granting release requests by a parent or guardian for access to education records of their child and prohibiting the release of information without written consent, including what information is being requested, who is requesting the information and why, and what will be done with the information.

**Summary of Second Substitute Bill:** Public institutions of higher education in Washington must enter into data-sharing agreements with OSPI to facilitate the transfer of high school student directory information for informing Washington high school students of postsecondary educational opportunities available in the state. Data-sharing agreements must provide for the sharing of student enrollment and outcome information from institutions of higher education to OSPI. To the extent feasible, OSPI shall transmit student enrollment information to the enrolled students' host districts for the current year, and shall identify a process for making this information available to school districts by the 2025-26 school year.

School districts that operate a high school must annually transmit directory information of all enrolled high school students to OSPI by November 1st. OSPI must hold this information and make the information available to the state's public institutions of higher education.

Data-sharing agreements entered into by a community or technical college (CTC) are limited to informing Washington high school students of postsecondary educational opportunities available within a college's service district.

The State Board for Community and Technical Colleges (SBCTC) may coordinate with all of the CTCs to develop a single data-sharing agreement between the CTCs and OSPI.

When transmitting student information, school districts must comply with consent procedures under state and federal law, as well as all applicable rules and regulations.

**Appropriation:** None.

**Fiscal Note:** Available.

**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 (Early Learning & K-12 Education):** *The committee recommended a different version of the bill than what was heard.* PRO: This bill is a way to improve college attendance by improving systems behind-the-scenes. Currently, universities have to pay out-of-state third-party vendors to obtain student data. This bill will improve equity by informing students about postsecondary opportunities who may otherwise not receive this information. The bill will save institutions money as they will not have to pay third-parties for data from students in our state. Institutions are only able to contact less than half of graduating students, primarily only those who take pre-college exams. This bill would help institutions better serve all Washingtonians. The bill would fundamentally change the trajectory of Washington students. The current system of information sharing benefits primarily white and affluent students. One centralized clearinghouse, when combined with our guaranteed admission program, will drastically improve our current system. Washington has the best financial aid programs in the country, but many students have no awareness of these programs.

**Persons Testifying (Early Learning & K-12 Education):** PRO: Senator Marko Liias, Prime Sponsor; Bill Lyne, United Faculty of Washington State; Nora Selander, Western Washington University; David Buri, Eastern Washington University; Jacob Vigdor, University of Washington Faculty; Kristin Murphy, Office of Superintendent of Public Instruction (OSPI); Jeff Charbonneau, Zillah High School / Zillah School District; Samuel Ligon, Eastern Washington University Faculty; Christine McMullin, SBCTC; Jenee Myers Twitchell, Washington STEM.

**Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education):** No one.

**Staff Summary of Public Testimony on First Substitute (Ways & Means):** *The committee recommended a different version of the bill than what was heard.* PRO: 40,000 out of 70,000 high school graduates this year will not receive any kind of information about higher education once they graduate. This bill streamlines the data sharing process between K-12 and higher education institutions and allows universities to reach out to families and students regarding higher education opportunities. It must be easy for students to access information about their options, including Washington's community and technical colleges.

**Persons Testifying (Ways & Means):** PRO: David Buri, Eastern Washington University; Arlen Harris, SBCTC; Charlie Brown, Tacoma School District.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.

#### **EFFECT OF HOUSE AMENDMENT(S):**

- Requires the use of the statewide student identifier for each student when transferring information.

- Removes reference to federal definition of directory information.
- Changes the date by which school districts must begin annually transmitting directory information for high school students to OSPI from November 1, 2023 to November 1, 2024.
- Permits federally designated minority serving institutions of higher education that are bachelor degree-granting institutions to enter into data-sharing agreements with OSPI for the purpose of informing Washington high school students of postsecondary educational opportunities available in the state.
- Makes changes to reflect the potential inclusion of federally designated minority serving institutions of higher education in data-sharing agreements.
- Reformats definitions and specifies that student directory information collected by OSPI is for "providing information related to college awareness and admissions" instead of "college awareness and admissions."