
SENATE BILL 5784

State of Washington

69th Legislature

2025 Regular Session

By Senator Hasegawa

1 AN ACT Relating to agency demographic data collection; reenacting
2 and amending RCW 28A.300.042; and adding a new chapter to Title 42
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the state uses
6 demographic data to measure the efficacy of state-supported programs
7 and determine equity of opportunity and access to many state
8 programs. The legislature further finds that chapter 310, Laws of
9 2021 instructed the joint legislative audit and review committee to
10 perform racial equity analyses as part of its audits of state
11 agencies and programs, yet the committee is unable to fulfill this
12 mandate because most state agencies do not collect the necessary data
13 to fulfill this mission.

14 The legislature further finds that the federal government office
15 of management and budget published statistical policy directive
16 number 15: Standards for maintaining, collecting, and presenting
17 federal data on race and ethnicity, the goal of which is to ensure
18 the comparability of race and ethnicity across federal data sets and
19 to maximize the quality of the data by ensuring the format, language,
20 and procedures for collecting the data are consistent. While
21 statistical policy directive number 15 provides a minimum set of

1 categories that all federal agencies must use when collecting
2 information on race and ethnicity, that minimum is insufficient for
3 the state of Washington because of its great diversity of
4 ethnicities, cultures, backgrounds, and experiences.

5 The legislature intends for all state agencies to collect
6 demographic data, beyond those minimum categories listed in
7 statistical policy directive number 15, in sufficient categories and
8 subcategories appropriate for the programs being analyzed. For
9 example, the Asian demographic must be broken down into as many
10 subcategories of ethnicities as is necessary to measure the efficacy
11 of our state-supported programs and determine the efficacy and equity
12 of opportunity and access to those being evaluated. At a minimum, the
13 Asian category must be disaggregated by subcategories including
14 Chinese, Vietnamese, Filipino, Korean, Japanese, and Indian. Further
15 disaggregation of the subcategories may be necessary depending on the
16 circumstances such as disaggregating: Southeast Asians by Cambodian-
17 Khmer, Thai, Lao, Mien, or Hmong; Pacific Islanders by compacts of
18 free association states, Samoan, or Chamorro; or by language such as
19 Cantonese, Mandarin, or Taishan. It is important for agencies and
20 program administrators to understand that the Asian demographic is
21 not one monolithic common demographic with the same needs or
22 cultures. Therefore, the legislature finds that analyses of state
23 agencies and programs must be based on the appropriate data set
24 collected with regard to the appropriate target demographic
25 categories and subcategories state programs are impacting.

26 NEW SECTION. **Sec. 2.** The definitions in this section apply
27 throughout this chapter unless the context clearly requires
28 otherwise.

29 (1) "Agency" means any state board, commission, bureau,
30 committee, department, institution, division, or tribunal in the
31 legislative, executive, or judicial branch of state government.
32 "Agency" includes all elective offices, the state legislature, those
33 institutions of higher education created and supported by the state
34 government, and those courts that are parts of state government.
35 "Agency" does not include a comprehensive cancer center participating
36 in a collaborative arrangement as defined in RCW 28B.10.930 that is
37 operated in conformance with RCW 28B.10.930.

38 (2) (a) "Personal information" means:

1 (i) An individual's first name or first initial and last name in
2 combination with any one or more of the following data elements:

3 (A) Social security number;

4 (B) Driver's license number or Washington identification card
5 number;

6 (C) Account number or credit or debit card number, in combination
7 with any required security code, access code, or password that would
8 permit access to an individual's financial account, or any other
9 numbers or information that can be used to access a person's
10 financial account;

11 (D) Full date of birth;

12 (E) Private key that is unique to an individual and that is used
13 to authenticate or sign an electronic record;

14 (F) Student, military, or passport identification number;

15 (G) Health insurance policy number or health insurance
16 identification number;

17 (H) Any information about a consumer's medical history or mental
18 or physical condition or about a health care professional's medical
19 diagnosis or treatment of the consumer; or

20 (I) Biometric data generated by automatic measurements of an
21 individual's biological characteristics such as a fingerprint,
22 voiceprint, retinas, irises, or other unique biological patterns or
23 characteristics used to identify a specific individual;

24 (ii) An individual's user name or email address in combination
25 with a password or security questions and answers that would permit
26 access to an online account; and

27 (iii) Any of the data elements or any combination of the data
28 elements described in (a)(i) of this subsection without the
29 consumer's first name or first initial and last name if:

30 (A) Encryption, redaction, or other methods have not rendered the
31 data element or combination of data elements unusable; and

32 (B) The data element or combination of data elements would enable
33 a person to commit identity theft against a consumer.

34 (b) The term "personal information" does not include publicly
35 available information that is lawfully made available to the general
36 public from federal, state, or local government records.

37 NEW SECTION. **Sec. 3.** (1) Each agency shall collect voluntary
38 self-identification demographic data using the United States office
39 of management and budget statistical policy directive number 15 as

1 published on March 29, 2024, that provides common language for
2 uniformity and comparability in the collection and use of race and
3 ethnicity data, minimum categories, and corresponding detailed
4 categories and subcategories.

5 (2) Each agency must consider and base demographic data
6 collection on the appropriate demographic data set necessary with
7 regard to appropriate target demographic categories or subcategories
8 of a program or agency being evaluated.

9 (3) The data collected under subsection (1) of this section must
10 be included in every demographic report on race or ethnic origin by
11 the state agency, board, or commission published or released after
12 June 30, 2025. The reports must state the reasoning and process used
13 to determine the appropriate data set. If the appropriate data set
14 cannot be collected, the report should state the reasons why. The
15 data must be made available to the public in accordance with state
16 and federal law, except for personal information, which shall be
17 deemed confidential.

18 (4) If any questions arise regarding the appropriate racial,
19 ethnic, or cultural categories or subcategories from which data
20 should be collected for any given program, the state ethnic
21 commissions and the governor's office of Indian affairs should be
22 consulted for advice.

23 (5) An agency must comply with the requirements of this section
24 as early as possible following the effective date of this section,
25 but at the latest by June 30, 2026.

26 NEW SECTION. **Sec. 4.** (1) An agency may submit a request to the
27 office of financial management for an exemption to the requirement to
28 collect more detailed data beyond the minimum categories if the
29 agency determines that the potential benefit of the detailed data
30 would not justify the additional burden to the agency and the public
31 or the additional risk to privacy or confidentiality.

32 (2) An agency may submit a request to the office of financial
33 management for a variance to the detailed categories if the agency
34 determines that collecting different detailed data categories than
35 the ones listed in United States office of management and budget
36 statistical policy directive number 15 provides more useful or
37 accurate data for the collection's specific context and intended
38 uses. Any variances in detailed data collection must be able to be
39 aggregated up to the required minimum categories.

1 (3) The office of financial management must review agency
2 requests for exemptions and variances, and only approve the requests
3 if they contain sufficient justification.

4 (4) The office of financial management and agencies must consult
5 with the ethnic commissions and the governor's office of Indian
6 affairs regarding which demographic breakdown is most important and
7 relevant to the program or programs being analyzed.

8 **Sec. 5.** RCW 28A.300.042 and 2023 c 265 s 6 and 2023 c 242 s 8
9 are each reenacted and amended to read as follows:

10 (1) The superintendent of public instruction must collect and
11 school districts must submit all student-level data using the United
12 States (~~department of education 2007 race and ethnicity reporting~~
13 ~~guidelines, including the subracial and subethnic categories within~~
14 ~~those guidelines, with the following modifications:~~

15 ~~(a) Further disaggregation of the Black category to differentiate~~
16 ~~students of African origin and students native to the United States~~
17 ~~with African ancestors;~~

18 ~~(b) Further disaggregation of countries of origin for Asian~~
19 ~~students;~~

20 ~~(c) Further disaggregation of the White category to include~~
21 ~~subethnic categories for Eastern European nationalities that have~~
22 ~~significant populations in Washington; and~~

23 ~~(d) For students who report as multiracial, collection of their~~
24 ~~racial and ethnic combination of)) office of management and budget~~
25 statistical policy directive number 15 as published on March 29,
26 2024, that provides common language for uniformity and comparability
27 in the collection and use of race and ethnicity data, minimum
28 categories, and corresponding detailed categories.

29 (2) Beginning with the ~~((2017-18))~~ 2025-26 school year, or as
30 soon as practicable, school districts shall collect student-level
31 data as provided in subsection (1) of this section for all newly
32 enrolled students, including transfer students. When the students
33 enroll in a different school within the district, school districts
34 shall resurvey the newly enrolled students for whom subracial and
35 subethnic categories were not previously collected. School districts
36 may resurvey other students.

37 (3) All student data-related reports required of the
38 superintendent of public instruction in this title must be
39 disaggregated by at least the following subgroups of students: White,

1 Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific
2 Islander/Hawaiian Native, Middle Eastern/North African, low income,
3 highly capable, transitional bilingual, migrant, special education,
4 and students covered by section 504 of the federal rehabilitation act
5 of 1973, as amended (29 U.S.C. Sec. 794).

6 (4) All student data-related reports prepared by the
7 superintendent of public instruction regarding student suspensions
8 and expulsions as required under this title are subject to
9 disaggregation by subgroups including:

- 10 (a) Gender;
- 11 (b) Foster care;
- 12 (c) Homeless, if known;
- 13 (d) School district;
- 14 (e) School;
- 15 (f) Grade level;
- 16 (g) Behavior infraction code, including:
 - 17 (i) Bullying;
 - 18 (ii) Tobacco;
 - 19 (iii) Alcohol;
 - 20 (iv) Illicit drug;
 - 21 (v) Fighting without major injury;
 - 22 (vi) Violence without major injury;
 - 23 (vii) Violence with major injury;
 - 24 (viii) Possession of a weapon; and
 - 25 (ix) Other behavior resulting from a short-term or long-term
26 suspension, expulsion, or interim alternative education setting
27 intervention;
- 28 (h) Intervention applied, including:
 - 29 (i) Short-term suspension;
 - 30 (ii) Long-term suspension;
 - 31 (iii) Emergency removal;
 - 32 (iv) Expulsion;
 - 33 (v) Interim alternative education settings;
 - 34 (vi) No intervention applied; and
 - 35 (vii) Other intervention applied that is not described in this
36 subsection (4) (h);
- 37 (i) Number of days a student is suspended or expelled, to be
38 counted in half or full days; and
- 39 (j) Any other categories added at a future date by the data
40 governance group.

1 (5) All student data-related reports required of the
2 superintendent of public instruction regarding student suspensions
3 and expulsions as required in RCW 28A.300.046 are subject to cross-
4 tabulation at a minimum by the following:

5 (a) School and district;

6 (b) Race, low income, highly capable, special education,
7 transitional bilingual, migrant, foster care, homeless, students
8 covered by section 504 of the federal rehabilitation act of 1973, as
9 amended (29 U.S.C. Sec. 794), and categories to be added in the
10 future;

11 (c) Behavior infraction code; and

12 (d) Intervention applied.

13 (6) The K-12 data governance group shall develop the data
14 protocols and guidance for school districts in the collection of data
15 as required under this section, and the office of the superintendent
16 of public instruction shall modify the statewide student data system
17 as needed. The office of the superintendent of public instruction
18 shall also incorporate training for school staff on best practices
19 for collection of data under this section in other training or
20 professional development related to data provided by the office.

21 NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act
22 constitute a new chapter in Title 42 RCW.

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