

HOUSE BILL NO. 257

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE REINBOLD

Introduced: 1/21/14

Referred: Education, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to restrictions on the collection, storage, and handling of student data."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 14.03.078 is amended to read:

4 **Sec. 14.03.078. Report.** The department shall provide to the legislature by
5 February 15 of each year an annual report regarding the progress of each school and
6 school district toward high academic performance by all students. The report required
7 under this section must include

8 (1) information described under AS 14.03.120(d);

9 (2) the number and percentage of students in each school who pass the
10 examination required under AS 14.03.075, and the number who pass each section of
11 the examination;

12 (3) progress of the department

13 (A) toward implementing the school accountability provisions
14 of AS 14.03.123; and

15 (B) in assisting high schools to become accredited;

(4) a description of the resources provided to each school and school district for coordinated school improvement activities and staff training in each school and school district;

(5) each school district's and each school's progress in aligning curriculum with state education performance standards;

(6) a description of the efforts by the department to assist a public school that receives a designation of deficient or in crisis;

(7) a description of intervention efforts by each school district and school for students who are not meeting state performance standards;

(8) the number and percentage of turnover in certificated personnel and superintendents;

(9) the number of teachers by district and by school who are teaching outside the teacher's area of endorsement but in areas tested by the high school competency examination;

(10) a description of changes made to the collection and publication of student data;

(11) the results of privacy compliance and security audits conducted in the previous year relating to student data.

* **Sec. 2.** AS 14.03.115 is amended to read:

Sec. 14.03.115. Access to school records [BY PARENT, FOSTER PARENT, OR GUARDIAN]. Upon request of a parent, foster parent, or guardian of a child under 18 years of age who is currently or was previously enrolled in a municipal school district or a school district that is a regional educational attendance area, the school district shall provide a **written or electronic** copy of the child's record, **including student data, based on the preference of the parent, foster parent, or guardian.** This section does not apply to

(1) a record of a child who is an emancipated minor; or

(2) record information that consists of the child's address if the school district determines that the release of the child's address poses a threat to the health or safety of the child.

* **Sec. 3.** AS 14.03.115 is amended by adding a new subsection to read:

(b) A school, district, or the department may use student data that contains personally identifiable information for a commercial purpose only by first obtaining written consent, within six months of the use, from the student or the student's parent or legal guardian. Consent must be dated when signed and state the limited purpose for which the consent is provided and the records that may be used. In this subsection, "commercial purpose" includes marketing of products or services, compilation of lists for sale or rent, development of products or services, and the creation of individual, household, or group profiles.

* **Sec. 4.** AS 14.03 is amended by adding a new section to read:

Sec. 14.03.117. School district data security. Each school district in the state shall

(1) adopt, implement, and monitor compliance with a data security plan that includes student data security;

(2) implement and monitor compliance with policies and procedures adopted by the board under AS 14.07.165; and

(3) publish and annually update on the district's Internet website, the district's data security plan, data inventory, and explanation of the data inventory.

* **Sec. 5.** AS 14.03 is amended by adding a new section to article 1 to read:

Sec. 14.03.200. Definition. In AS 14.03.015 - 14.03.200, "student data" means

(1) electronic information pertaining to an individual student or group of students collected or reported by a school while the student or group of students was enrolled in a school in the state or that was accessed or produced by a student or group of students while enrolled in a school in the state;

(2) electronic information pertaining to a student or group of students that has been or is intended to be transmitted to or stored by a third-party contractor that provides cloud computing services or other similar services to the school; and

(3) electronic mail communications and access information, document production, and similar electronic information accessed or produced by a student on a school server.

* **Sec. 6.** AS 14.07.165 is amended to read:

Sec. 14.07.165. Duties. The board shall adopt

1 (1) statewide goals and require each governing body to adopt written
2 goals that are consistent with local needs;

3 (2) regulations regarding the application for and award of grants under
4 AS 14.03.125;

5 (3) regulations implementing provisions of AS 14.11.014(b);

6 (4) regulations requiring approval by the board before a charter school,
7 state boarding school, or a public school may provide domiciliary services;

8 (5) regulations implementing the secondary school student competency
9 examination provisions of AS 14.03.075, including the criteria and procedure under
10 which a governing body uses a waiver to grant a diploma to a student; criteria
11 regarding granting a waiver must include provisions that a waiver may only be granted
12 for students who enter the system late or have rare or unusual circumstances meriting
13 a waiver;

14 **(6) a data inventory that contains individual student data fields for**
15 **all educational records collected and reported by the department and by school**
16 **districts and public schools in the state; the board shall annually update and**
17 **publish on the department's Internet website the data inventory;**

18 **(7) an explanation of the data inventory adopted under (6) of this**
19 **subsection; the board shall annually update and publish on the department's**
20 **Internet website the explanation; the explanation must include, at a minimum,**
21 **the following information:**

22 **(A) a description of each student data field;**

23 **(B) the reason for the collection of each student data field;**

24 **(C) the entities that have access to each student data field;**

25 **(D) the location of the server in which the student data field**
26 **is being stored;**

27 **(E) a list of nongovernmental entities that have access to**
28 **one or more student data fields linked to personally identifiable**
29 **information;**

30 **(F) a description of the safeguards in place for each entity**
31 **listed under (E) of this paragraph that prevent unauthorized access to**

1 personally identifiable information of students;

2 (8) policies and procedures consistent with relevant state and
 3 federal privacy laws that

4 (A) limit access to individual and redacted student data to

5 (i) persons who require access to perform duties
 6 assigned by the department, a school district, or the administrator
 7 of a public school;

8 (ii) the student who is the subject of the data and the
 9 student's parent, foster parent, or guardian;

10 (iii) authorized agencies as provided in state or
 11 federal law or by an interagency agreement;

12 (B) restrict student data transfer except as necessary to

13 (i) comply with federal and state law;

14 (ii) fulfill student requests;

15 (iii) carry out a school transfer or student location
 16 request; or

17 (iv) compare multistate assessment data;

18 (C) prohibit collecting and reporting student data
 19 pertaining to

20 (i) juvenile delinquency records;

21 (ii) criminal records;

22 (iii) medical and health records;

23 (iv) biometric information;

24 (v) political or religious affiliation;

25 (D) provide for a detailed data security plan for collecting,
 26 maintaining, and sharing student data that addresses

27 (i) privacy;

28 (ii) authentication;

29 (iii) breaches in security;

30 (iv) training;

31 (v) encryption; and

1 (vi) other data retention and disposition practices;

2 (E) except as otherwise provided in AS 14.03.115, prohibit
3 the sharing of student data, including electronic mail addresses and other
4 electronically stored information, for marketing or advertising purposes;

5 (F) provide for other security measures.

6 * **Sec. 7.** AS 14.07.165 is amended by adding a new subsection to read:

7 (b) In this section, "student data" has the meaning given in AS 14.03.200.