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Glover
4/6/15

CS FOR HOUSE BILL NO. 85()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE REINBOLD

A BILL

FOR AN ACT ENTITLED

**"An Act repealing the college and career readiness assessments for secondary students;
and relating to restrictions on the collection, storage, and handling of student data."**

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

*** Section 1.** AS 14.03 is amended by adding a new section to read:

Sec. 14.03.079. Data security report. The department shall provide by electronic means, not later than 10 days after the convening of the legislature each year, an annual report regarding data privacy. The report required under this section must include

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

(2) 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. If the parent, foster parent, or guardian requests an electronic copy, the department shall inform the parent, foster parent, or guardian of the risks of sending an electronic copy. 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 new subsections to read:

(b) A school, a school district, or the department may not use student data, or data pertaining to parents, teachers, or staff, that contains personally identifiable information for a commercial purpose. In this subsection, "commercial purpose" includes the marketing of products or services, the compilation of lists for sale or rent, the development of products or services, and the creation of individual, household, or group profiles.

(c) A school, a school district, or the department may not release student data that contains personally identifiable information to a consortium or an interstate educational organization without first obtaining the consent of the student's parent, foster parent, or guardian, or the student if the student is an emancipated minor or is 18 years of age or older.

(d) A school, a school district, or the department may not ask students for social media passwords.

(e) In this section, "consortium" means a cooperative arrangement between two or more public or private educational institutions specified in agreements or memoranda of understanding.

*** 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 and explanation of the data fields collected by the district, including the following information:

(A) a description of each student data field;

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

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

(D) a list of nongovernmental entities that have access to one or more student data fields linked to personally identifiable information;

(E) a description of the safeguards in place for each entity listed under (D) of this paragraph that prevent unauthorized access to personally identifiable information of students.

* **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 14.07.020(a) is amended to read:

(a) The department shall

(1) exercise general supervision over the public schools of the state

except the University of Alaska;

(2) study the conditions and needs of the public schools of the state, adopt or recommend plans, administer and evaluate grants to improve school performance awarded under AS 14.03.125, and adopt regulations for the improvement of the public schools;

(3) provide advisory and consultative services to all public school governing bodies and personnel;

(4) prescribe by regulation a minimum course of study for the public schools; the regulations must provide that, if a course in American Sign Language is given, the course shall be given credit as a course in a foreign language;

(5) establish, in coordination with the Department of Health and Social Services, a program for the continuing education of children who are held in detention facilities in the state during the period of detention;

(6) accredit those public schools that meet accreditation standards prescribed by regulation by the department; these regulations shall be adopted by the department and presented to the legislature during the first 10 days of any regular session, and become effective 45 days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house;

(7) prescribe by regulation, after consultation with the state fire marshal and the state sanitarian, standards that will assure healthful and safe conditions in the public and private schools of the state, including a requirement of physical examinations and immunizations in pre-elementary schools; the standards for private schools may not be more stringent than those for public schools;

(8) exercise general supervision over pre-elementary schools that receive direct state or federal funding;

(9) exercise general supervision over elementary and secondary correspondence study programs offered by municipal school districts or regional educational attendance areas; the department may also offer and make available to any Alaskan through a centralized office a correspondence study program;

(10) accredit private schools that request accreditation and that meet

1 accreditation standards prescribed by regulation by the department; nothing in this
2 paragraph authorizes the department to require religious or other private schools to be
3 licensed;

4 (11) review plans for construction of new public elementary and
5 secondary schools and for additions to and major rehabilitation of existing public
6 elementary and secondary schools and, in accordance with regulations adopted by the
7 department, determine and approve the extent of eligibility for state aid of a school
8 construction or major maintenance project; for the purposes of this paragraph, "plans"
9 include educational specifications, schematic designs, projected energy consumption
10 and costs, and final contract documents;

11 (12) provide educational opportunities in the areas of vocational
12 education and training, and basic education to individuals over 16 years of age who
13 are no longer attending school;

14 (13) administer the grants awarded under AS 14.11;

15 (14) establish, in coordination with the Department of Public Safety, a
16 school bus driver training course;

17 (15) require the reporting of information relating to school disciplinary
18 and safety programs under AS 14.33.120 and of incidents of disruptive or violent
19 behavior;

20 (16) establish by regulation criteria, based on low student performance,
21 under which the department may intervene in a school district to improve instructional
22 practices, as described in AS 14.07.030(14) or (15); the regulations must include

23 (A) a notice provision that alerts the district to the deficiencies
24 and the instructional practice changes proposed by the department;

25 (B) an end date for departmental intervention, as described in
26 AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates three
27 consecutive years of improvement consisting of not less than two percent
28 increases in student proficiency on standards-based assessments in language
29 arts and mathematics, as provided in AS 14.03.123(f)(2)(A); and

30 (C) a process for districts to petition the department for
31 continuing or discontinuing the department's intervention;

(17) notify the legislative committees having jurisdiction over education before intervening in a school district under AS 14.07.030(14) or redirecting public school funding under AS 14.07.030(15); [.]

(18) adopt procedures to allow the parent or guardian of a student or a student who is emancipated or is 18 years of age or older to opt out of any statewide student assessment [REPEALED].

* Sec. 7. AS 14.07.165 is amended to read:

Sec. 14.07.165. Duties. (a) The board shall adopt

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

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

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

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

(5) policies and procedures consistent with relevant state and federal privacy laws that

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

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

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

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

(B) restrict student data transfer except as necessary to

(i) fulfill student requests;

(ii) carry out a school transfer or student location request; or

(iii) compare multistate assessment data;

(C) prohibit collecting and reporting student data

pertaining to

(i) juvenile delinquency records;

(ii) criminal records;

(iii) medical and health records without the written consent of the student's parent, foster parent, or guardian or of a student who is 18 years of age or older or is emancipated under AS 09.55.590;

(iv) biometric information;

(v) political or religious affiliation;

(vi) items in a student's home;

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

(i) privacy;

(ii) authentication;

(iii) breaches in security;

(iv) training;

(v) encryption; and

(vi) other data retention and disposition practices;

(E) prohibit the sharing of student data, including electronic mail addresses and other electronically stored information, for a commercial purpose, including marketing or advertising purposes;

(F) provide for other security measures [REGULATIONS IMPLEMENTING THE COLLEGE AND CAREER READINESS ASSESSMENT PROVISIONS OF AS 14.03.075, PROVIDING FOR THE NEEDS OF A STUDENT WHO IS A CHILD WITH A DISABILITY, AND SETTING STANDARDS FOR A WAIVER UNDER AS 14.03.075; THE REGULATIONS MAY ADDRESS THE CONDITIONS, CRITERIA, PROCEDURE, AND SCHEDULING OF THE ASSESSMENT].

(b) In this section, "student data" has the meaning given in AS 14.03.200 ["CHILD WITH A DISABILITY" HAS THE MEANING GIVEN IN AS 14.30.350].

* **Sec. 8.** AS 14.03.075(a), 14.03.075(b), 14.03.075(c), 14.03.075(e)(1), and 14.03.078(a)

1 are repealed.