

HOUSE BILL NO. 85

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE REINBOLD

Introduced: 1/28/15

Referred: Education, Finance

A BILL

FOR AN ACT ENTITLED

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

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

4 *** Section 1.** AS 14.03.075(a) is amended to read:

5 (a) A secondary student may choose not to take [SCHOOL MAY NOT
6 ISSUE A SECONDARY SCHOOL DIPLOMA TO A STUDENT UNLESS THE
7 STUDENT TAKES] a college and career readiness assessment. A school shall award
8 a diploma to a student who chooses not to take a college and career readiness
9 assessment if the student has met all other graduation requirements of the
10 governing body and the state [OR RECEIVES A WAIVER FROM THE
11 GOVERNING BODY].

12 *** Sec. 2.** AS 14.03.078(a) is amended to read:

13 (a) The department shall provide to the legislature by February 15 of each year
14 by electronic means an annual report regarding the progress of each school and school

1 district toward high academic performance by all students. The report required under
2 this section must include

- 3 (1) information described under AS 14.03.120(d);
4 (2) progress of the department
5 (A) toward implementing the school accountability provisions
6 of AS 14.03.123; and
7 (B) in assisting high schools to become accredited;
8 (3) a description of the resources provided to each school and school
9 district for coordinated school improvement activities and staff training in each school
10 and school district;
11 (4) each school district's and each school's progress in aligning
12 curriculum with state education performance standards;
13 (5) a description of the efforts by the department to assist a public
14 school or district that receives a low performance designation under AS 14.03.123;
15 (6) a description of intervention efforts by each school district and
16 school for students who are not meeting state performance standards; [AND]
17 (7) the number and percentage of turnover in certificated personnel and
18 superintendents;
19 **(8) a description of changes made to the collection and publication**
20 **of student data; and**
21 **(9) the results of privacy compliance and security audits conducted**
22 **in the previous year relating to student data.**

23 * **Sec. 3.** AS 14.03.115 is amended to read:

24 **Sec. 14.03.115. Access to school records [BY PARENT, FOSTER**
25 **PARENT, OR GUARDIAN].** Upon request of a parent, foster parent, or guardian of
26 a child under 18 years of age who is currently or was previously enrolled in a
27 municipal school district or a school district that is a regional educational attendance
28 area, the school district shall provide a **written or electronic** copy of the child's
29 record, **including student data, based on the preference of the parent, foster**
30 **parent, or guardian. If the parent, foster parent, or guardian requests an**
31 **electronic copy, the department shall inform the parent, foster parent, or**

1 **guardian of the risks of sending an electronic copy.** This section does not apply to

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

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

6 * **Sec. 4.** AS 14.03.115 is amended by adding a new subsection to read:

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

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

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

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

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

19 (3) publish, and annually update on the district's Internet website, the
20 district's data security plan and explanation of the data fields collected by the district,
21 including 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) a list of nongovernmental entities that have access to one or
26 more student data fields linked to personally identifiable information;

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

30 * **Sec. 6.** AS 14.03 is amended by adding a new section to article 1 to read:

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

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

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

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

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

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

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

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

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

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

20 (5) regulations implementing the college and career readiness
 21 assessment provisions of AS 14.03.075 **and** [,] providing for the needs of a student
 22 who is a child with a disability [, AND SETTING STANDARDS FOR A WAIVER
 23 UNDER AS 14.03.075]; the regulations may address the conditions, criteria,
 24 procedure, and scheduling of the assessment;

25 **(6) policies and procedures consistent with relevant state and**
 26 **federal privacy laws that**

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

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

31 **(ii) the student who is the subject of the data and the**

- 1 student's parent, foster parent, or guardian;
- 2 (iii) authorized agencies as provided in state or
- 3 federal law or by an interagency agreement;
- 4 (B) restrict student data transfer except as necessary to
- 5 (i) fulfill student requests;
- 6 (ii) carry out a school transfer or student location
- 7 request; or
- 8 (iii) compare multistate assessment data;
- 9 (C) prohibit collecting and reporting student data
- 10 pertaining to
- 11 (i) juvenile delinquency records;
- 12 (ii) criminal records;
- 13 (iii) medical and health records without the written
- 14 consent of the student's parent, foster parent, or guardian or of a
- 15 student who is 18 years of age or older or is emancipated under
- 16 AS 09.55.590;
- 17 (iv) biometric information;
- 18 (v) political or religious affiliation;
- 19 (vi) items in a student's home;
- 20 (D) provide for a detailed data security plan for collecting,
- 21 maintaining, and sharing student data that addresses
- 22 (i) privacy;
- 23 (ii) authentication;
- 24 (iii) breaches in security;
- 25 (iv) training;
- 26 (v) encryption; and
- 27 (vi) other data retention and disposition practices;
- 28 (E) prohibit the sharing of student data, including
- 29 electronic mail addresses and other electronically stored information, for
- 30 a commercial purpose, including marketing or advertising purposes;
- 31 (F) provide for other security measures.

1 (b) In this section,

2 (1) "child with a disability" has the meaning given in AS 14.30.350;

3 (2) "**student data**" has the meaning given in AS 14.03.200.

4 * **Sec. 8.** AS 14.03.075(b) and 14.03.075(c) are repealed.