

SENATE BILL NO. 3

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY SENATOR STEVENS

Introduced: 1/21/15

Referred: Education, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to 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(a) is amended to read:

4 (a) The department shall provide to the legislature by February 15 of each year
5 by electronic means an annual report regarding the progress of each school and school
6 district toward high academic performance by all students. The report required under
7 this **subsection** [SECTION] must include

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

9 (2) progress of the department

10 (A) toward implementing the school accountability provisions
11 of AS 14.03.123; and

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

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

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

3 (5) a description of the efforts by the department to assist a public
4 school or district that receives a low performance designation under AS 14.03.123;

5 (6) a description of intervention efforts by each school district and
6 school for students who are not meeting state performance standards; [AND]

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

9 **(8) a description of changes made to the collection and publication**
10 **of student data and the reason for the changes; and**

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

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

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

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

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

25 * **Sec. 3.** AS 14.03.115 is amended by adding new subsections to read:

26 (b) A school, a district, or the department may not share student data collected,
27 reported, or stored by a school, a district, or the department with another agency or
28 entity that is not exempt under federal law unless the information is directory
29 information or the school, district, or department obtains written consent from the
30 student or the student's parent, foster parent, or legal guardian. Consent must be dated
31 when signed and state the limited purpose for which the consent is provided and the

1 data that may be shared.

2 (c) The chief administrator of a school shall annually notify the parents, foster
3 parents, and legal guardians of each student enrolled in the school of the student's
4 rights to control access to student data under federal and state law, including the right
5 to prevent disclosure of directory information.

6 (d) In this section, "directory information" means a student's name, address,
7 telephone number, electronic mail address, dates of attendance, and student honors
8 and awards.

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

10 **Sec. 14.03.117. Data security.** Each school, each district, and the department
11 shall, for student data collected, reported, or stored by the school, district, or
12 department,

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

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

17 (3) publish and annually update on the school's, district's, or
18 department's Internet website, the data security plan, data inventory, and explanation
19 of the data inventory adopted under this section.

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

21 **Sec. 14.03.200. Definition.** In AS 14.03.015 - 14.03.200, "student data"
22 includes individual student information that contains

23 (1) state or national assessment results, including a waiver or
24 alternative assessment;

25 (2) courses and information about each course, including completion,
26 credits earned, and other transcript information;

27 (3) course grades and grade point average;

28 (4) date of birth, grade level, and expected date of graduation;

29 (5) school exit information, including a degree, diploma, or credential
30 attained or drop out or transfer information;

31 (6) attendance;

- 1 (7) discipline reports;
 2 (8) remediation services;
 3 (9) information on a disability and special education services;
 4 (10) demographic data;
 5 (11) program participation information;
 6 (12) information created by or about the student in whatever format,
 7 including documents, images, videos, and other files.

8 * **Sec. 6.** AS 14.07.030 is amended to read:

9 **Sec. 14.07.030. Powers of the department.** The department may

- 10 (1) establish, maintain, govern, operate, discontinue, and combine area,
 11 regional, and special schools;
 12 (2) enter into contractual agreements with the Bureau of Indian Affairs
 13 or with a school district to share boarding costs of secondary school students;
 14 (3) provide for citizenship night schools when and where expedient;
 15 (4) provide for the sale or other disposition of abandoned or obsolete
 16 buildings and other state-owned school property;
 17 (5) prescribe a classification for items of expense of school districts;
 18 (6) acquire and transfer personal property, acquire real property, and
 19 transfer real property to federal agencies, state agencies, or to political subdivisions;
 20 (7) enter into contractual agreements with school districts to provide
 21 more efficient or economical education services; reasonable fees may be charged by
 22 the department to cover the costs of providing services under an agreement, including
 23 costs for professional services, reproduction or printing, and mailing and distribution
 24 of educational materials;
 25 (8) provide for the issuance of elementary and secondary diplomas to
 26 persons not in school who have completed the equivalent of an 8th or 12th grade
 27 education, respectively, in accordance with standards established by the department;
 28 (9) apply for, accept, and spend endowments, grants, and other private
 29 money available to the state for educational purposes in accordance with AS 37.07
 30 (Executive Budget Act);
 31 (10) set student tuition and fees for educational and extracurricular

1 programs and services provided and schools operated by the department under the
2 provisions of (1) of this section and AS 14.07.020(a)(9), (11), and (12);

3 (11) charge fees to cover the costs of care and handling with respect to
4 the acquisition, warehousing, distribution, or transfer of donated foods;

5 (12) establish and collect fees for the rental of school facilities and for
6 other programs and services provided by the schools;

7 (13) develop a model curriculum and provide technical assistance for
8 early childhood education programs;

9 (14) notwithstanding any other provision of this title, intervene in a
10 school district to improve instructional practices under standards established by the
11 department in regulation, including directing the

12 (A) employees identified by the department to exercise
13 supervisory authority for instructional practices in the district or in a specified
14 school;

15 (B) use of appropriations under this title for distribution to a
16 district;

17 (15) notwithstanding any other provision of this title, redirect public
18 school funding under AS 14.17 appropriated for distribution to a school district, after
19 providing notice to the district and an opportunity for the district to respond, when

20 (A) necessary to contract for services to improve instructional
21 practices in the district; or

22 (B) the district has failed to take an action required by the
23 department to improve instructional practices in the district; if funding is
24 redirected under this subparagraph, the department shall provide the redirected
25 funding to the district when the department has determined that the required
26 action is satisfactorily completed;

27 **(16) appoint a chief privacy officer with experience in developing**
28 **and implementing data privacy and security policies to**

29 **(A) assist the state Board of Education and Early**
30 **Development in developing and implementing policies and procedures**
31 **relating to student data privacy under AS 14.07.165(a); and**

1 **(B) develop and provide a program of training and**
 2 **technical assistance to schools and school districts to assist in the**
 3 **implementation of policies and procedures relating to student data**
 4 **privacy.**

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

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

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

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

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

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

14 (5) regulations implementing the college and career readiness
 15 assessment provisions of AS 14.03.075, providing for the needs of a student who is a
 16 child with a disability, and setting standards for a waiver under AS 14.03.075; the
 17 regulations may address the conditions, criteria, procedure, and scheduling of the
 18 assessment;

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

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

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

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

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

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

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

4 **(F) a description of the safeguards in place for each entity**
 5 **listed under (E) of this paragraph that prevent unauthorized access to**
 6 **personally identifiable information of students;**

7 **(8) policies and procedures consistent with relevant state and**
 8 **federal privacy laws that**

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

10 **(i) authorized persons who require access to perform**
 11 **duties assigned by the department, a school district, or the**
 12 **administrator of a public school, including contractors that provide**
 13 **instructional assessment and database support to the department, a**
 14 **school district, or school;**

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

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

19 **(B) restrict student data transfer except as necessary to**

20 **(i) comply with federal and state law, including**
 21 **reporting of migrant students;**

22 **(ii) fulfill student requests;**

23 **(iii) carry out a school transfer or student location**
 24 **request; or**

25 **(iv) compare national or multistate assessment data;**

26 **(C) prohibit reporting and sharing of student data**
 27 **pertaining to personally identifiable information except as otherwise**
 28 **provided in state or federal law;**

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

31 **(i) privacy and security compliance standards;**

1 (ii) authentication;

2 (iii) privacy and security audits;

3 (iv) breach planning, notification, and procedures;

4 (v) encryption; and

5 (vi) other data retention and disposition practices;

6 (E) prohibit the collection, reporting, and sharing of
 7 student data pertaining to

8 (i) juvenile delinquency records;

9 (ii) criminal records;

10 (iii) medical and health records without the written
 11 consent of the student's parent or guardian or of a student who is
 12 18 years of age or older or is emancipated under AS 09.55.590;

13 (iv) biometric information; and

14 (v) political or religious affiliation;

15 (F) provide for appropriate sanctions for noncompliance
 16 with the policies and procedures adopted under this paragraph.

17 (b) In this section,

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

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

20 * **Sec. 8.** AS 14.40.170(a) is amended to read:

21 (a) The Board of Regents shall

22 (1) appoint the president of the university by a majority vote of the
 23 whole board, and the president may attend meetings of the board;

24 (2) fix the compensation of the president of the university, all heads of
 25 departments, professors, teachers, instructors, and other officers;

26 (3) confer appropriate degrees as it may determine and prescribe;

27 (4) have the care, control, and management of

28 (A) all the real and personal property of the university; and

29 (B) land

30 (i) conveyed to the Board of Regents by the
 31 commissioner of natural resources in the settlement of the claim of the

1 University of Alaska to land granted to the state in accordance with the
 2 Act of March 4, 1915 (38 Stat. 1214), as amended, and in accordance
 3 with the Act of January 21, 1929 (45 Stat. 1091), as amended; and

4 (ii) conveyed to the Board of Regents in trust for the
 5 University of Alaska by the commissioner of natural resources under
 6 AS 14.40.365;

7 (5) keep a correct and easily understood record of the minutes of every
 8 meeting and all acts done by it in pursuance of its duties;

9 (6) under procedures to be established by the commissioner of
 10 administration, and in accordance with existing procedures for other state agencies,
 11 have the care, control, and management of all money of the university and keep a
 12 complete record of all money received and disbursed;

13 (7) adopt reasonable rules for the prudent trust management and the
 14 long-term financial benefit to the university of the land of the university;

15 (8) provide public notice of sales, leases, exchanges, and transfers of
 16 the land of the university or of interests in land of the university;

17 (9) administer, manage, market, and promote a postsecondary
 18 education savings program, including the Alaska Higher Education Savings Trust
 19 under AS 14.40.802 and the Alaska advance college tuition savings fund under
 20 AS 14.40.803 - 14.40.817;

21 (10) designate buildings owned by the university as covered buildings
 22 for purposes of paying the costs of use, management, operation, maintenance, and
 23 depreciation from the fund established under AS 37.05.555;

24 **(11) adopt policies and procedures relating to student data privacy**
 25 **that are consistent with the policies and procedures adopted by the state Board of**
 26 **Education and Early Development under AS 14.07.165(a).**

27 * **Sec. 9.** AS 14.40.600 is amended by adding a new subsection to read:

28 (b) A community college established by the university shall adopt policies and
 29 procedures relating to student data privacy that are consistent with the policies and
 30 procedures adopted by the state Board of Education and Early Development under
 31 AS 14.07.165(a).

1 * **Sec. 10.** AS 14.42.030(b) is amended to read:

2 (b) The commission shall

3 (1) administer the financial aid and interstate education compact
4 programs under AS 14.43.091 - 14.43.920 and 14.43.990, and AS 14.44;

5 (2) administer the provisions of AS 14.48 concerning regulation of
6 postsecondary educational institutions;

7 (3) resolve disputes under a consortium or other cooperative agreement
8 between institutions of public and private higher education in the state; and

9 (4) serve as the state agency required under 20 U.S.C. 1001 - 1155;

10 **(5) adopt policies and procedures relating to student data privacy**
11 **that are consistent with the policies and procedures adopted by the state Board of**
12 **Education and Early Development under AS 14.07.165(a).**

13 * **Sec. 11.** AS 14.45.110 is amended by adding a new subsection to read:

14 (c) A religious or other private school that elects to comply with AS 14.45.100
15 – 14.45.130 shall adopt policies and procedures relating to student data privacy that
16 are consistent with the policies and procedures adopted by the state Board of
17 Education and Early Development under AS 14.07.165(a).

18 * **Sec. 12.** AS 14.48.060(b) is amended to read:

19 (b) A postsecondary educational institution must be maintained and operated,
20 or, in the case of a new institution, must demonstrate that it can be maintained and
21 operated, so that

22 (1) the quality and content of each course or program of instruction,
23 training, or study are such as may reasonably and adequately achieve the stated
24 objective for which the course or program is offered;

25 (2) the institution has or has access to adequate space, equipment,
26 instructional materials, and personnel where applicable to achieve the stated objective
27 of the course or program of study and to provide education of good quality;

28 (3) the education or experience qualifications of directors,
29 administrators, supervisors, and instructors are such as may reasonably ensure that the
30 students will receive education consistent with the objectives of the course or program
31 of study;

1 (4) the institution provides a catalog or brochure containing
2 information describing the programs offered, program objectives, length of program,
3 schedule of tuition, fees, and all other charges and expenses necessary for completion
4 of the course of study, cancellation and refund policies, and other material facts
5 concerning the institution and the program or course of instruction that are reasonably
6 likely to affect the decision of the student to enroll, together with any other disclosures
7 specified by the commission by regulation; and that this information is provided to
8 prospective students before enrollment;

9 (5) upon satisfactory completion of training, the student is given
10 appropriate educational credentials by the institution, indicating that the course of
11 instruction or study has been satisfactorily completed by the student;

12 (6) adequate records are maintained by the institution to show
13 attendance, progress, or grades, and that satisfactory standards are enforced relating to
14 attendance, progress, and performance;

15 (7) the institution is maintained and operated in compliance with all
16 pertinent ordinances and laws relating to the safety and health of persons on the
17 premises of the institution;

18 (8) the institution is financially sound and capable of fulfilling its
19 commitments to students;

20 (9) neither the institution nor its agents engage in advertising, sales,
21 collection, credit, or other practices that [WHICH] are false, deceptive, misleading, or
22 unfair;

23 (10) the chief executive officer, trustees, directors, owners,
24 administrators, supervisors, staff, and instructors of the institution are of good
25 reputation and character and have not been convicted of a violation of AS 14.48.020
26 or 14.48.150 or AS 45.50.471 - 45.50.561 or a comparable law in another state or
27 province;

28 (11) the student housing owned, maintained, or approved by the
29 institution is appropriate, safe, and adequate;

30 (12) the institution has a fair and equitable cancellation and refund
31 policy;

1 (13) the charges set by the institution for tuition, fees, books, and
2 supplies are fair and equitable; and

3 (14) the institution accepts military education, training, or service
4 credit or hours toward a degree or technical program offered by the institution if

5 (A) the institution otherwise accepts transfer credits or hours;
6 and

7 (B) the credit or hours transfer process meets the requirements
8 of the accrediting body of the institution or the commission;

9 **(15) the institution protects student data privacy through policies**
10 **and procedures consistent with the policies and procedures adopted by the state**
11 **Board of Education and Early Development under AS 14.07.165(a).**

12 * **Sec. 13.** AS 23.15.580(b) is amended to read:

13 (b) The board shall

14 (1) facilitate the development of statewide policy for a coordinated and
15 effective employment training and education system in this state;

16 (2) identify the human resource investment needs in the state and
17 develop a plan to meet those needs;

18 (3) review the provision of services and the use of money and
19 resources by the human resource programs listed in AS 23.15.575;

20 (4) assume the duties and functions of the state boards described under
21 the laws relating to the federal human resource programs listed in AS 23.15.575;

22 (5) advise the governor, state and local agencies, the University of
23 Alaska, and other training entities on the development of state and local standards and
24 measures relating to applicable human resource programs;

25 (6) submit, to the governor and the legislature, a biennial strategic plan
26 to accomplish the goals developed to meet human resource investment needs;

27 (7) monitor for the implementation and evaluate the effectiveness of
28 the strategic plan developed by the board;

29 (8) adopt regulations that set standards for the percentage of program
30 expenses that may be used for administrative costs; the regulations must clearly
31 identify and distinguish between program expenses that may be included in

1 administrative costs and those that may not be included in administrative costs; the
 2 percentage allowed for administrative costs may not exceed the lesser of 20 percent of
 3 program expenses in the prior fiscal year or the amount permitted under the
 4 requirements of a federal program, if applicable;

5 (9) report annually to the legislature, by the 30th day of the regular
 6 legislative session, on the performance and evaluation of training programs in the state
 7 subject to review under (f) of this section;

8 (10) identify ways for agencies operating programs subject to
 9 oversight by the board to share resources, instructors, and curricula through
 10 collaboration with other public and private entities to increase training opportunities
 11 and reduce costs;

12 (11) adopt regulations under AS 44.62 (Administrative Procedure Act)
 13 to carry out the purposes of AS 23.15.550 - 23.15.585; and

14 (12) perform duties assigned in AS 23.15.620 - 23.15.660 for the state
 15 training and employment program;

16 **(13) adopt policies and procedures relating to student data privacy**
 17 **that are consistent with the policies and procedures adopted by the state Board of**
 18 **Education and Early Development under AS 14.07.165(a).**

19 * **Sec. 14.** AS 23.15.652(a) is amended to read:

20 (a) The department and a person who is awarded a grant to provide training
 21 and employment assistance services under the program shall comply with state and
 22 federal laws and maintain records, including accounting records, as required by those
 23 laws, **and shall adopt policies and procedures relating to student data privacy**
 24 **that are consistent with the policies and procedures adopted by the state Board of**
 25 **Education and Early Development under AS 14.07.165(a).**

26 * **Sec. 15.** AS 23.15.820(a) is amended to read:

27 (a) The Alaska Workforce Investment Board shall
 28 (1) administer the Alaska technical and vocational education program
 29 established in AS 23.15.820 - 23.15.850;
 30 (2) facilitate the development of a statewide policy for a coordinated
 31 and effective technical and vocational education training system in this state and, to

1 the extent authorized by federal and state law, plan and coordinate federal, state, and
2 local efforts in technical and vocational education programs;

3 (3) adopt regulations under AS 44.62 (Administrative Procedure Act)
4 to carry out the purposes of AS 23.15.820 - 23.15.850, including regulations that set
5 standards for the percentage of a grant that may be used for administrative costs; the
6 regulations must clearly identify and distinguish between expenses that may be
7 included in administrative costs and those that may not be included in administrative
8 costs; the percentage allowed for administrative costs may not exceed the lesser of five
9 percent or the amount permitted under the requirements of a federal program, if
10 applicable;

11 (4) administer the grant program under AS 23.15.840 and establish
12 grant administration requirements including accounting procedures that apply to
13 qualified entities and their grantees;

14 (5) facilitate the development and implementation of a statewide
15 policy and procedure that provides for the acceptance of credit or hours toward a
16 degree or technical program offered by a vocational or technical training center in the
17 state for an applicant who provides satisfactory evidence of successful completion of
18 relevant military education, training, or service as a member of the armed forces of the
19 United States, the United States Reserves, the National Guard of any state, the
20 Military Reserves of any state, or the Naval Militia of any state;

21 **(6) adopt policies and procedures relating to student data privacy**
22 **that are consistent with the policies and procedures adopted by the state Board of**
23 **Education and Early Development under AS 14.07.165(a).**

24 * **Sec. 16.** AS 44.35.020(a) is amended to read:

25 (a) The Department of Military and Veterans' Affairs shall

26 (1) conduct the military affairs of the state as prescribed by the
27 Military Code;

28 (2) cooperate with the federal government in matters of mutual
29 concern pertaining to the welfare of [ALASKAN] veterans, including establishing,
30 extending, or strengthening services for veterans in the state;

31 (3) annually, not later than February 1, make available a report to the

1 legislature, through the governor, outlining the department's activities during the
2 previous calendar year; the department shall notify the legislature that the report is
3 available; and

4 (4) cooperate with the Department of Public Safety to develop and
5 implement missing vulnerable adult prompt response and notification plans under
6 AS 44.41.060;

7 **(5) for the operation of the Alaska Military Youth Academy under**
8 **(c) of this section, adopt policies and procedures relating to student data privacy**
9 **that are consistent with the policies and procedures adopted by the state Board of**
10 **Education and Early Development under AS 14.07.165(a).**

11 * **Sec. 17.** AS 47.14.050 is amended by adding a new subsection to read:

12 (c) Standards and regulations adopted under this section must be consistent
13 with and include the policies and procedures adopted by the state Board of Education
14 and Early Development under AS 14.07.165(a).

15 * **Sec. 18.** AS 47.14.400(a) is amended to read:

16 (a) The department shall administer a program to encourage investment by a
17 person or entity in the higher education of eligible children in the state. The program
18 must include

19 (1) a central office, dedicated to faith-based and community services,
20 for development and marketing of the program;

21 (2) a mechanism for the department to establish and maintain a
22 University of Alaska college savings plan under AS 14.40.802 - 14.40.817 for an
23 eligible child who is a beneficiary of the program;

24 (3) a process for identifying donors and eligible beneficiaries;

25 (4) a process for distributing nonidentifying information about an
26 eligible beneficiary to a potential donor, including the age, sex, and general location of
27 the beneficiary, unless the information readily leads to the identification of the eligible
28 beneficiary;

29 (5) terms and conditions for participation in the program that are
30 consistent with the University of Alaska college savings plan restrictions and with
31 federal law pertaining to higher education savings accounts; and

1 (6) a procedure for monitoring success of the program, for record
2 keeping, and for maintaining confidentiality of records as required by federal and state
3 law, **including the policies and procedures adopted by the state Board of**
4 **Education and Early Development under AS 14.07.165(a).**

5 * **Sec. 19.** AS 47.21.020(b) is amended to read:

6 (b) Criteria for adventure-based education programs shall be established by
7 the Department of Health and Social Services and must include provisions for

8 (1) staff members with background experience in Outward Bound,
9 NOLS, Alaska Wilderness Experience, Inc., or other similar wilderness skills
10 programs or indigenous cultural experience;

11 (2) minimum program standards;

12 **(3) student data privacy that are consistent with the policies and**
13 **procedures adopted by the state Board of Education and Early Development**
14 **under AS 14.07.165(a).**