

SENATE BILL NO. 235

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY SENATOR REINBOLD

Introduced: 2/24/20

Referred: Education, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to statewide student assessments; relating to restrictions on the**
2 **collection, storage, and handling of student data; and providing for an effective date."**

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

4 *** Section 1.** AS 14.03.078(a) is amended to read:

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

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

10 (2) progress of the department

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

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

14 (3) a description of the resources provided to each school and school

1 district for coordinated school improvement activities and staff training in each school
2 and school district;

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

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

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

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

11 **(8) a description of changes made to the collection and publication**
12 **of student data; and**

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

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

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

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

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

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

30 (b) A school, a school district, or the department may not use student data, or
31 data pertaining to parents, teachers, or staff, that contains personally identifiable

1 information for a commercial purpose. In this subsection, "commercial purpose"
 2 includes the marketing of products or services, the compilation of lists for sale or rent,
 3 the development of products or services, and the creation of individual, household, or
 4 group profiles.

5 (c) A school, a school district, or the department may not release student data
 6 that contains personally identifiable information to a consortium or an interstate
 7 educational organization without first obtaining the consent of the student's parent,
 8 foster parent, or guardian, or the student if the student is an emancipated minor or is
 9 18 years of age or older.

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

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

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

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

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

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

22 (3) publish, and annually update on the district's Internet website, the
 23 district's data security plan and explanation of the data fields collected by the district,
 24 including the following information:

25 (A) a description of each student data field;

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

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

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

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

1 personally identifiable information of students.

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

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

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

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

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

14 * **Sec. 6.** AS 14.07.020(a) is amended to read:

15 (a) The department shall

16 (1) exercise general supervision over the public schools of the state
17 except the University of Alaska;

18 (2) study the conditions and needs of the public schools of the state,
19 adopt or recommend plans, administer and evaluate grants to improve school
20 performance awarded under AS 14.03.125, and adopt regulations for the improvement
21 of the public schools; the department may consult with the University of Alaska to
22 develop secondary education requirements to improve student achievement in college
23 preparatory courses;

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

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

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

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

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

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

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

18 (10) accredit private schools that request accreditation and that meet
19 accreditation standards prescribed by regulation by the department; nothing in this
20 paragraph authorizes the department to require religious or other private schools to be
21 licensed;

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

29 (12) provide educational opportunities in the areas of vocational
30 education and training, and basic education to individuals over 16 years of age who
31 are no longer attending school; the department may consult with businesses and labor

1 unions to develop a program to prepare students for apprenticeships or internships that
2 will lead to employment opportunities;

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

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

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

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

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

14 (B) an end date for departmental intervention, as described in
15 AS 14.07.030(a)(14)(A) and (B) and (15), after the district demonstrates three
16 consecutive years of improvement consisting of not less than two percent
17 increases in student proficiency on standards-based assessments in language
18 arts and mathematics, as provided in AS 14.03.123(f)(1)(A); and

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

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

24 **(18) adopt procedures to allow the parent or guardian of a student**
25 **or a student who is emancipated or is 18 years of age or older to opt out of any**
26 **statewide student assessment.**

27 * **Sec. 7.** AS 14.07.165(a) is amended to read:

28 (a) The board shall adopt

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

31 (2) regulations regarding the application for and award of grants under

1 AS 14.03.125;

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

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

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

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

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

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

13 (iii) authorized agencies as provided in state or
14 federal law;

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

16 (i) fulfill student requests;

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

19 (iii) compare multistate assessment data;

20 (C) prohibit collecting and reporting student data
21 pertaining to

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

26 (ii) biometric information;

27 (iii) political or religious affiliation;

28 (iv) items in a student's home;

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

31 (i) privacy;

1 (ii) authentication;

2 (iii) breaches in security;

3 (iv) training;

4 (v) encryption; and

5 (vi) other data retention and disposition practices;

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

9 (F) provide for other security measures [REPEALED].

10 * **Sec. 8.** AS 14.07.165 is amended by adding a new subsection to read:

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

12 * **Sec. 9.** This Act takes effect July 1, 2020.