

**HB**

**85**

<TARGET><BILL>HB 85</BILL><SUBJECT>HB  
85</SUBJECT><COMM>HEDC29</COMM></TARGET>

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# ALASKA STATE LEGISLATURE

## REPRESENTATIVE LORA REINBOLD

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Official Business

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### MEMORANDUM

TO: Representative Wes Keller, Education Chair

FROM: Representative Lora Reinbold *LJR*

DATE: February 2, 2015

RE: HB 85 Education Hearing Request

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At your earliest convenience, I respectfully request a hearing for the HB 85 "An Act relating to college and career readiness assessments for secondary students; and relating to restrictions on the collection, storage, and handling of student data." in the House Education Committee.

Please do not hesitate to contact my staff, Colt Franklin, at 465-2053, with any questions or concerns about this legislation. I look forward to hearing from you and discussing the bill in further detail.

Thank you for your consideration.

# Alaska State Legislature



**Representative Lora Reinbold**  
House District 14

## **Sponsor Summary for House Bill 85**

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

Article I Section 22 of the Alaska State Constitution states that, "The right of the people to privacy is recognized and shall not be infringed." As the educational system merges into the Digital Age it is our legislative duty to diligently continue to protect the privacy, security, and confidentiality of our citizens, including their student data. Throughout Alaska, and our country as a whole, there has been growing public concern about the collection of personal data. House Bill 85 addresses these concerns, strengthens student digital privacy laws and eliminates unnecessary costs.

House Bill 85 will enhance data collection transparency to parents and guardians by requiring the State Board of Education to make publicly available an inventory and index of all data elements with definitions of individual student data fields currently in the statewide longitudinal data system. This legislation will also require the establishment of a comprehensive state-wide data security plan.

In addition to enhancing security, House Bill 85 will increase options for parents. This legislation will allow families to opt-out of the ACT or SAT and still be eligible to a High School diploma. As Alaska tightens the purse strings, it is critical that we ensure funding reaches the students and teachers of our great state rather than getting lost in a myriad of administrative costs and excessive testing. This legislation will also eliminate the state funding for a student's ACT or SAT fee, which was estimated to be a \$535,000 reoccurring annual expense.

I urge your support of HB 85. Working together we can protect student data security in an increasingly digital environment and give parents a greater voice in educational options for their children.

**CS FOR HOUSE BILL NO. 85(EDC)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

**BY THE HOUSE EDUCATION COMMITTEE**

**Offered:**

**Referred:**

**Sponsor(s): REPRESENTATIVE REINBOLD**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act repealing the 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 14.03.078(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;

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

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

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

30 (6) accredit those public schools that meet accreditation standards  
31 prescribed by regulation by the department; these regulations shall be adopted by the

1 department and presented to the legislature during the first 10 days of any regular  
2 session, and become effective 45 days after presentation or at the end of the session,  
3 whichever is earlier, unless disapproved by a resolution concurred in by a majority of  
4 the members of each house;

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

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

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

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

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

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

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

31 (14) establish, in coordination with the Department of Public Safety, a

1 school bus driver training course;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (iii) authorized agencies as provided in state or  
 10 federal law;

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

12 (i) fulfill student requests;

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

15 (iii) compare multistate assessment data;

16 (C) prohibit collecting and reporting student data  
 17 pertaining to

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

22 (ii) biometric information;

23 (iii) political or religious affiliation;

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

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

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

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

13 ["CHILD WITH A DISABILITY" HAS THE MEANING GIVEN IN AS 14.30.350].

14 \* **Sec. 8.** AS 14.03.075(a), 14.03.075(b), 14.03.075(c), and 14.03.075(e)(1) are repealed.

29-LS0301P  
Glover  
3/26/15

**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**

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 is amended by adding a new section to read:

13 **Sec. 14.03.079. Data Security Report.** The department shall provide by  
14 electronic means, not later than 10 days after the convening of the legislature each

1 year, an annual report regarding data privacy. The report required under this section  
2 must include

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

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

7 \* **Sec. 3.** AS 14.03.115 is amended to read:

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

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

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

21 \* **Sec. 4.** AS 14.03.115 is amended by adding new subsections to read:

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

27 (c) A school, a school district, or the department may not release student data  
28 that contains personally identifiable information to a consortium or an interstate  
29 educational organization without first obtaining the consent of the student's parent,  
30 foster parent, or guardian, or the student if the student is an emancipated minor or is  
31 18 years of age or older.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (3) electronic mail communications and access information, document

1 production, and similar electronic information accessed or produced by a student on a  
2 school server.

3 \* **Sec. 7.** AS 14.07.020(a) is amended to read:

4 (a) The department shall

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

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

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

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

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

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

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

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

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

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6 accreditation standards prescribed by regulation by the department; nothing in this  
7 paragraph authorizes the department to require religious or other private schools to be  
8 licensed;

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

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

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

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

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

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

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

30 (B) an end date for departmental intervention, as described in  
31 AS 14.07.030(14)(A) and (B) and (15), after the district demonstrates three

1 consecutive years of improvement consisting of not less than two percent  
 2 increases in student proficiency on standards-based assessments in language  
 3 arts and mathematics, as provided in AS 14.03.123(f)(2)(A); and

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

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

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

12 \* **Sec. 8.** AS 14.07.165 is amended to read:

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

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

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

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

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

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

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

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

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

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2 student's parent, foster parent, or guardian;

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4 federal law or by an interagency agreement;

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8 request; or

9 (iii) compare multistate assessment data;

10 (C) prohibit collecting and reporting student data  
11 pertaining to

12 (i) juvenile delinquency records;

13 (ii) criminal records;

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

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

23 (i) privacy;

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25 (iii) breaches in security;

26 (iv) training;

27 (v) encryption; and

28 (vi) other data retention and disposition practices;

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

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4  
5

**(F) provide for other security measures.**

(b) In this section,

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

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

\* **Sec. 9.** AS 14.03.075(b), 14.03.075(c), and 14.03.078(a) are repealed.

29-LS0301\S  
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:**

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7 year, an annual report regarding data privacy. The report required under this section  
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9 (1) a description of changes made to the collection and publication of  
10 student data; and

11 (2) the results of privacy compliance and security audits conducted in  
12 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**

1 **PARENT, OR GUARDIAN]**. Upon request of a parent, foster parent, or guardian of  
2 a child under 18 years of age who is currently or was previously enrolled in a  
3 municipal school district or a school district that is a regional educational attendance  
4 area, the school district shall provide a written or electronic copy of the child's  
5 record, including student data, based on the preference of the parent, foster  
6 parent, or guardian. If the parent, foster parent, or guardian requests an  
7 electronic copy, the department shall inform the parent, foster parent, or  
8 guardian of the risks of sending an electronic copy. This section does not apply to

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

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

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

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

20 (c) A school, a school district, or the department may not release student data  
21 that contains personally identifiable information to a consortium or an interstate  
22 educational organization without first obtaining the consent of the student's parent,  
23 foster parent, or guardian, or the student if the student is an emancipated minor or is  
24 18 years of age or older.

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

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

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

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

1 shall

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (a) The department shall

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

1 except the University of Alaska;

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

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

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

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

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

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

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

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

31 (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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (i) fulfill student requests;

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

30 (iii) compare multistate assessment data;

31 (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.

29-LS0301\F  
Glover  
4/8/15

**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**

1 **"An Act repealing the 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 is amended by adding a new section to read:

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

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

11 (2) the results of privacy compliance and security audits conducted in  
12 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**

1 **PARENT, OR GUARDIAN]**. Upon request of a parent, foster parent, or guardian of  
2 a child under 18 years of age who is currently or was previously enrolled in a  
3 municipal school district or a school district that is a regional educational attendance  
4 area, the school district shall provide a written or electronic copy of the child's  
5 record, including student data, based on the preference of the parent, foster  
6 parent, or guardian. If the parent, foster parent, or guardian requests an  
7 electronic copy, the department shall inform the parent, foster parent, or  
8 guardian of the risks of sending an electronic copy. This section does not apply to

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

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

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

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

20 (c) A school, a school district, or the department may not release student data  
21 that contains personally identifiable information to a consortium or an interstate  
22 educational organization without first obtaining the consent of the student's parent,  
23 foster parent, or guardian, or the student if the student is an emancipated minor or is  
24 18 years of age or older.

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

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

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

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

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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

1           except the University of Alaska;

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

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

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

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

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

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

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

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

31                      (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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (i) fulfill student requests;

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

30 (iii) compare multistate assessment data;

31 (C) prohibit collecting and reporting student data

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pertaining to

(i) 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;

(ii) biometric information;

(iii) political or religious affiliation;

(iv) 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) are repealed.

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 85( ), Draft Version "F"

*Failed*

1 Page 1, line 1:

2 Delete "**and career readiness**"

3

4 Page 1, following line 3:

5 Insert new bill sections to read:

6 "**\* Section 1.** AS 14.03.075(a) is amended to read:

7 (a) A school may not issue a secondary school diploma to a student unless the  
8 student takes a [COLLEGE AND] career readiness assessment or receives a waiver  
9 from the governing body.

10 **\* Sec. 2.** AS 14.03.075(c) is amended to read:

11 (c) The department shall provide funding for the fee for a single administration  
12 of a [COLLEGE AND] career readiness assessment for each secondary student within  
13 two years of the student's expected graduation.

14 **\* Sec. 3.** AS 14.03.075(e)(1) is amended to read:

15 (1) "[COLLEGE AND] career readiness assessment" means the [SAT,  
16 ACT, OR] WorkKeys assessment;"

17

18 Page 1, line 4:

19 Delete "**Section 1**"

20 Insert "**Sec. 4**"

21

22 Renumber the following bill sections accordingly.

23

*work keys*  
*No other*  
*prohibitions*  
*also*  
*no test*  
*job centers*

*many letters*  
*se part*

1 Page 6, line 7, through page 7, line 28:

2 Delete all material and insert:

3 **"\* Sec. 10.** AS 14.07.165 is amended to read:

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

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

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

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

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

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

17 **(6) policies and procedures consistent with relevant state and**  
18 **federal privacy laws that**

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

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

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

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

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

28 **(i) fulfill student requests;**

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

31 **(iii) compare multistate assessment data;**

1                    (C) prohibit collecting and reporting student data  
2                    pertaining to

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

7                    (ii) biometric information;

8                    (iii) political or religious affiliation;

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

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

12                  (i) privacy;

13                  (ii) authentication;

14                  (iii) breaches in security;

15                  (iv) training;

16                  (v) encryption; and

17                  (vi) other data retention and disposition practices;

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

21                  (F) provide for other security measures.

22                  (b) In this section,

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

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

25  
26                  Page 7, line 29:

27                    Delete "AS 14.03.075(a), 14.03.075(b), 14.03.075(c), 14.03.075(e)(1), and  
28                    14.03.078(a) are"

29                    Insert "AS 14.03.078(a) is"

29-LS0301\L  
Glover  
4/11/15

**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**

1 **"An Act repealing the 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 14.03.078(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;

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

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

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

30 (6) accredit those public schools that meet accreditation standards  
31 prescribed by regulation by the department; these regulations shall be adopted by the

1 department and presented to the legislature during the first 10 days of any regular  
2 session, and become effective 45 days after presentation or at the end of the session,  
3 whichever is earlier, unless disapproved by a resolution concurred in by a majority of  
4 the members of each house;

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

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

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

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

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

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

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

31 (14) establish, in coordination with the Department of Public Safety, a

1 school bus driver training course;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (iii) authorized agencies as provided in state or  
10 federal law;

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

12 (i) fulfill student requests;

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

15 (iii) compare multistate assessment data;

16 (C) prohibit collecting and reporting student data  
17 pertaining to

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

22 (ii) biometric information;

23 (iii) political or religious affiliation;

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

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

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(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), and 14.03.075(e)(1) are repealed.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

January 28, 2015

**SUBJECT:** Sectional Summary of HB85 (Work Order No. 29-LS0301\N)

**TO:** Representative Lora Reinbold  
Attn: Christa Von Bergen

**FROM:** Kate S. Glover *KSG*  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1** amends AS 14.03.075(a) to allow students to opt out of college and career readiness assessments.

**Section 2** changes requirements related to the Department of Education and Early Development's (the department) annual reports to the legislature.

**Section 3** allows school districts to provide either written or electronic copies of student records to parents, foster parents, or guardians.

**Section 4** prohibits the use of student data containing personally identifiable information for commercial purposes.

**Section 5** adds requirements for school districts related to data security.

**Section 6** defines "student data."

**Section 7** requires the State Board of Education and Early Development to adopt policies and procedures related to data privacy.

**Section 8** repeals AS 14.03.075(b) and (c).

KSG:dla  
15-026.dla

# LEGAL SERVICES

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LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
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Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

April 7, 2015

**SUBJECT:** Sectional summary (CSHB 85( ); Work Order No. 29-LS0301\S)

**TO:** Representative Lora Reinbold

**FROM:** Kate S. Glover *KSG*  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Requires the Department of Education and Early Development (the department) to provide an annual data security report to the legislature.

Section 2. Allows school districts to provide either written or electronic copies of student records to parents, foster parents, or guardians.

Section 3. Prohibits the use of student data containing personally identifiable information, or data pertaining to parents, teachers, or staff, for commercial purposes. This section also prohibits the release of student data to consortiums or interstate educational organizations without prior consent, and prohibits schools, school districts, and the department from requesting students' social media passwords.

Section 4. Adds requirements for school districts related to data security.

Section 5. Defines "student data."

Section 6. Requires the department to adopt procedures allowing parents to opt their children out of statewide student assessments.

Section 7. Requires the State Board of Education and Early Development to adopt policies and procedures related to data privacy.

Section 8. Repeals AS 14.03.075(a), (b), (c), (e)(1), and AS 14.03.078(a), which relate to college and career readiness assessments and to annual reports by the department.

Representative Lora Reinbold  
April 7, 2015  
Page 2

If I may be of further assistance, please advise.

KSG:dla  
15-273.dla

# Alaska State Legislature



## Representative Lora Reinhold

April 12, 2015

The sectional for CS House Bill 85 version L

**Section 1.** Requires the Department of Education and Early Development (the department) to provide an annual data security report to the legislature.

**Section 2.** Allows school districts to provide either written or electronic copies of student records to parents, foster parents, or guardians.

**Section 3.** Prohibits the use of student data containing personally identifiable information, or data pertaining to parents, teachers, or staff, for commercial purposes. This section also prohibits the release of student data to consortiums or interstate educational organizations without prior consent, and prohibits schools, school districts, and the department from requesting students' social media passwords.

**Section 4.** Adds requirements for school districts related to data security.

**Section 5.** Defines "student data."

**Section 6.** Requires the department to adopt procedures allowing parents to opt their children out of statewide student assessments.

**Section 7.** Requires the State Board of Education and Early Development to adopt policies and procedures related to data privacy.

**Section 8.** Repeals AS 14.03.075(a), (b), (c), (e)(1), and ~~AS 14.03.078(a)~~, which relate to college and career readiness assessments and to ~~annual reports by the department~~.

ALASKA STATE LEGISLATURE  
REPRESENTATIVE LORA REINBOLD



**Sectional Summary of House Bill 85 (Version P)**

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

**Section 1:** Amends AS 14.03.075(a) to allow students to opt-out of college and career readiness assessments.

**Section 2:** Adds a new section requiring the Department of Education & Early Development to provide to the legislature an annual "Data Security Report."

**Section 3:** Amends AS 14.03.115 to allow a parent or guardian to request a written or electronic copy of their child's record.

**Section 4:** Adds new subsections.

(b) Prohibits the use of personally identifiable data for a commercial purpose.

(c) Requires parental consent prior to sharing personally identifiable student data with a consortium or interstate educational organization.

(d) Defines "consortium."

**Section 5:** Adds a new section requiring each school district to adopt a data security plan and to inform parents of the student data that is collected.

**Section 6:** Adds a new section defining "student data."

**Section 7:** Amends AS 14.07.020(a) to direct the department to set in place a policy allowing students to opt-out of any statewide assessment.

**Section 8:** Amends AS 14.07.165 to direct the State Board of Education & Early Development to adopt policies and procedures to protect student data.

**Section 9:** Repeals AS 14.03.075(b), 14.03.075(c), and 14.03.078(a).

## Janet Ogan

---

**From:** Barbara Haney <barbarahaney100@gmail.com>  
**Sent:** Tuesday, April 07, 2015 6:30 PM  
**To:** Rep. Wes Keller  
**Subject:** Fwd: UA Opposition to HB85 is baseless

----- Forwarded message -----

**From:** **Barbara Haney** <[barbarahaney100@gmail.com](mailto:barbarahaney100@gmail.com)>  
**Date:** Mon, Apr 6, 2015 at 5:49 AM  
**Subject:** UA Opposition to HB85 is baseless  
**To:** "Rep. Lora Reinbold" <[Rep.Lora.Reinbold@akleg.gov](mailto:Rep.Lora.Reinbold@akleg.gov)>  
**Cc:** LK Alaska <[dlkalaska@hotmail.com](mailto:dlkalaska@hotmail.com)>

Dear Rep. Reinbold,

I spoke with Stevie Chepko, Senior VP for Accreditation, at the Council for the Accreditation of Educator Preparation (CAEP) regarding HB 85 and digital privacy and how that might impact accreditation. I asked her specifically about the issue raised by Provost Dr. Susan Henrichs with particular reference to CAEP's standard 4

To document the call, you will see my call log after my signature line. Please feel free to enter this message as testimony or to forward as appropriate.

Stevie Chepko assured me that the digital data privacy bill for K-12 data did not in any way jeopardize UA's accreditation. She indicated that ONLY HIGHLY AGGREGATED data MAY needed, and it never involves the release of specific individual students.

In fact, they don't even want the data of individual student teacher candidates.

Furthermore, she indicated that there were states that did not allow for aggregated data to be released, and they still manage to show efficacy of students in their program without aggregated data.

In fact, she assured me that other states, such as Kansas which preclude the release of aggregated data, are still able to be accredited.

I asked her specifically about section 4.1 raised by Dr. Heinrich and again she reiterated that actual K-12 data of any individual student, nor is data on any individual student teach candidate, required for CAEP accreditation.

The data they request is highly aggregated and based on the University being able to show a positive impact on students. CAEP also indicated that there are multiple means by which an institution can do this.

They are happy to work with states on methods to show the efficacy of their students on education.

She also indicated that their communications director could provide a written statement toward this end.

[tiffany.erickson@caepnet.org](mailto:tiffany.erickson@caepnet.org)

Respectfully,

Barbara Haney, Ph.D.  
North Pole, Alaska

4/6/2015 [5:05:52 AM] \*\*\* [12022230077](tel:12022230077) \*\*\*[5:16:03 AM] \*\*\* Call ended, duration 10:10 \*\*\* Stevie Chepko, VP Accreditation, Council for the Accreditation of Educator Preparation (CAEP) Topic: Student data and K-12 data privacy and Accreditation, and Standard 4. website <http://caepnet.org/>

**Rep. Lora Reinbold**

---

**From:** Lance Roberts <roberts.lance@gmail.com>  
**Sent:** Tuesday, April 07, 2015 9:44 AM  
**Subject:** HB85 Student Privacy

To the House Education Committee:

Please support and quickly move HB85 to protect the privacy of students and their families. The government has no need to be in the data mining business, especially in light of how cavalier DEED has been in handling the data. That department has already broken the law you passed last year restricting expenditures to promote Common Core, and now we are paying the price, not only in hard dollars, but in the lower levels of education our students are now receiving. I've talked to numerous parents who will be withdrawing their children this year or next because of those standards and the high-risk assessments that go along with them.

Thanks for your consideration,

Lance Roberts  
Fairbanks

## Rep. Lora Reinbold

---

**From:** Julie Baird <julieb1997@gmail.com>  
**Sent:** Sunday, April 12, 2015 2:29 AM  
**To:** Rep. Wes Keller; Rep. Lora Reinbold; Gattis Representative Lynn; Sen. Charlie Huggins; Sen. Mike Dunleavy; Hanley Commissioner Mike  
**Subject:** Support HB 85

To:  
Senator Charlie Huggins  
Senator Mike Dunleavy  
State Rep. Lynn Gattis  
State Rep. Wes Keller  
State Rep. Lora Reinbold  
Commissioner Mike Hanley

From:  
Julie Baird  
Wasilla, AK  
907-232-3688  
julieb1997@gmail.com

Re: HB 85

Please support and pass HB 85 that is scheduled to be introduced in your committee on Monday April 13, 2015. This bill will allow parents to have their school children's data privacy respected, as per our Alaska Constitution (Article 1, Section 22: "The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section. [Amended 1972]"). This bill will also allow parents to have their school children "refuse" and/or "opt out" of college and career readiness assessment tests if the student has met all other graduation requirements of the governing body and the state. Overall, this bill will restore more local and parental control of their school children without undue state or federal overreach, which is in accordance with 5 Alaskan political parties or groups:

- (1) The Alaska Republican Party 2014 Platform ("We support the primary right of parents to control and direct their children's education.");
- 2) The Alaska Republican Assembly Principles ("Education: We believe in the rights of parents to a quality education for their children. We support parental choice to create competition among the schools. We must insure that no school or teachers' union can compromise the education of our children or advance a particular political agenda at the expense of our future generation's educations.");
- (3) The Alaska Constitution Party 2014 Platform ("#9: Strengthening the traditional family and supporting individual accountability without unwarranted government interference or regulation. This includes support of the educational rights of parents to privately or home school their children.");
- (4) The Alaska Libertarian Party 2014 Platform ("2.5 Education...Schools should be managed locally to achieve greater accountability and parental involvement. Recognizing that the education of the children is inextricably linked to moral values, we would return authority to parents to determine the education of their children, without interference from government. In particular, parents should have control of and responsibility of their children's education.); and

(5) The Alaskan Independence Party Platform ("15. To support the rights of parents to privately or home school their children.").

Sincerely,

Parent: Julie Baird

Speaking on behalf of the Baird Family

Sent from my iPhone

## Rep. Lora Reinbold

---

**From:** William Topel <wmtopel@yahoo.com>  
**Sent:** Saturday, April 11, 2015 10:31 PM  
**To:** Rep. Wes Keller  
**Cc:** Rep. Lora Reinbold; Rep. Lance Pruitt  
**Subject:** HB 85 - Please support

State Rep. Wes Keller  
Chair, House Education Committee  
Capitol Bldg. Room 106  
Representative.Wes.Keller@akleg.gov  
Juneau, AK 99801

Dear Rep. Keller:

Please support and pass HB 85 that is scheduled to be introduced in your committee on Monday April 13, 2015. This bill will allow parents to have their school children's data privacy respected, as per our Alaska Constitution (Article 1, Section 22: "The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section. [Amended 1972]"). This bill will also allow parents to have their school children opt out of college and career readiness assessment tests if the student has met all other graduation requirements of the governing body and the state. Overall, this bill will restore more local and parental control of their school children without undue state or federal overreach, which is in accordance with 5 Alaskan political parties or groups:

- (1) The Alaska Republican Party 2014 Platform ("We support the primary right of parents to control and direct their children's education.");
- (2) The Alaska Republican Assembly Principles ("**Education:** We believe in the rights of parents to a quality education for their children. We support parental choice to create competition among the schools. We must insure that no school or teachers' union can compromise the education of our children or advance a particular political agenda at the expense of our future generation's educations.");
- (3) The Alaska Constitution Party 2014 Platform ("#9: Strengthening the traditional family and supporting individual accountability without unwarranted government interference or regulation. This includes support of the educational rights of parents to privately or home school their children.");
- (4) The Alaska Libertarian Party 2014 Platform ("2.5 Education...Schools should be managed locally to achieve greater accountability and parental involvement. Recognizing that the education of the children is inextricably linked to moral values, we would return authority to parents to determine the education of their children, without interference from government. In particular, parents should have control of and responsibility of their children's education.); and
- (5) The Alaskan Independence Party Platform ("15. To support the rights of parents to privately or home school their children.").

Sincerely,

William Topel

6707 Mink Ave.  
Anchorage, AK  
907-333-1234

cc:

Rep. Lance Pruitt (D-27) (Representative.Lance.Pruitt@akleg.gov)

Rep. Lora Reinbold (Sponsor) (Representative.Lora.Reinbold@akleg.gov)

\*WARNING: The National Security Agency is likely recording and storing this communication as part of its unlawful spying programs on all Americans ... and people worldwide. The people who created the NSA spying program say that this communication – and any responses – can and will be used against the American people at any time in the future should folks in government decide to go after us for political reasons. And private information in digital communications may be given to big companies by the government. Mass surveillance doesn't keep us safe, and even the top national security experts say that we don't need it.

## Rep. Lora Reinbold

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**From:** info@alaskara.com  
**Sent:** Wednesday, April 08, 2015 11:08 AM  
**To:** Rep. Wes Keller; Rep. Jim Colver; Rep. Liz Vazquez; Rep. Paul Seaton; Rep. David Talerico; Rep. Harriet Drummond; Rep. Jonathan Kreiss-Tomkins  
**Cc:** Barbara Haney; Rep. Lora Reinbold; Daniel Hamm; Michael Chambers; Lance Roberts; George & Elizabeth Rauscher; pamelagoode; Steve StClair; Steve Harrison; president@akfamily.org; Christopher Kurka; Maria Rensel; Anchorage Baptist Temple; John & Candy Miller; Larry Devilbiss; Edna DeVries; davidneesak@gmail.com; info@ananddubey.com; Joe Miller; Karen Perry; Lorie Koppenberg; Nathaniel K. (Nathan) MacPherson; Mike Coons; Russ Millette; john@farmloopchristiancenter.org; Sally; Ron Johnson  
**Subject:** HB 85

To the House Education Committee,

I called in to testify on HB 85 (listened to the last person via phone instead of streaming), but you did not cue me so here is an email instead.

One thing people don't realize (because DEED has omitted this fact from their testimony) is that the reason Common Core and the Alaska Standards are alike is that in deriving their new standards DEED put the old standards aside and actually began their work with Common Core as their working framework. Using Common Core as the beginning point for their standards, they then looked at the old standards and added a few things from the old standards to the Common Core standards and changed some Common Core words (with synonyms) to make it 'sound better'.

THAT is why they are alike. THAT is why Common Core books are finding their way into Alaska. THAT is why they are testing with a Common Core test. I discovered how Common Core came into Alaska on DEED's own website (paragraph 2 in the link below).

[http://education.alaska.gov/akstandards/standards/differences\\_between\\_cc\\_and\\_ak\\_standards.pdf](http://education.alaska.gov/akstandards/standards/differences_between_cc_and_ak_standards.pdf)

Another really important thing people don't realize - one of the testimonies was extremely alarming as to the indoctrination of students to become totally subservient, unquestioning the authority of the government. Testing whether or not students meet THAT criteria is the focus of testing. It is indoctrination, plain and simple. She testified that such books are now in Alaska. How can we, as Alaskans in a free country, tolerate THAT in our state?

She also testified to the dumbing-down of the Common Core curriculum. As an educator, I listened to many parents, even way back in the 80's when I first started teaching, complain about the dumbing-down of America. I didn't really understand at that time, but throughout my career I have seen just that take place. I've seen programs that work be discontinued and student progress suffer because of it. We have lost most of our teachers who really know what and how to teach. The younger teachers don't have the experience and are not taught how to teach kids to read, write, and do math. They teach what they are taught to teach. Here is one brief example that illustrates what is happening very clearly:

<https://www.youtube.com/watch?v=1YLIX61o8fg>

Until you **REPEAL** Common Core (and all of its components i.e. testing and data mining) as some of you said you would do, please **support HB 85**. At least it gives parents a guarantee of opting out. A poor substitute for what is happening in our state, but something for parents to cling to nonetheless.

[www.alaskara.com/newsroom\\_surveys.html](http://www.alaskara.com/newsroom_surveys.html)

*Carol Carman*

*Webmaster, Secretary*

*Alaska Republican Assembly*

[www.alaskara.com](http://www.alaskara.com)

## Janet Ogan

---

**From:** chris & taryn <luskleets@hotmail.com>  
**Sent:** Wednesday, April 08, 2015 1:05 AM  
**To:** Rep. Wes Keller; Rep. Liz Vazquez; Rep. Jim Colver; Rep. Paul Seaton; Rep. David Talerico; Rep. Harriet Drummond; Rep. Jonathan Kreiss-Tomkins; gov.alllegislators@alaska.gov  
**Cc:** Rep. Lora Reinbold; Rep. Tammie Wilson; Sen. John Coghill  
**Subject:** Support HB85

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Morning Representatives,

I am writing to request your support for HB85, the student data and assessments bill. Student data management is of great concern as people hear ACPE's Feb. 20, 2015 legislative testimony on their plans for student data. According to their testimony, they plan to track the child from Pre-K through workforce, continuing throughout a person's adult life. They described checking in on an individual to track the person's success and progress at regular, ongoing intervals; this would not be possible with de-identified data. ACPE also stated the Alaska P-20W (ANSWERS database) will include the standards-based test mandated by ESEA (the AMP test, in AK) as well as homeschool data. They state the data will go across state lines. Their legislative testimony from 2/20/15 is available online for viewing.

All of this echoes what is in the grants. The state is obligated to abide by conditions of the grants no matter what AK DEED is or isn't aware of or what they say. Page 96 of the SFSF sub-phase report (for Phase 2) lists a project entitled "DataMart". Starting well before that are long, intricate descriptions of data sharing. The ANSWERS grant includes data flow charts indicating the same problem: sharing data without student or parental consent. I see FERPA cited as reassurance, but FERPA was gutted in Dec. 2011 by US Ed. Sec. Arne Duncan (see EPIC vs. USDOE). It no longer requires consent to share personally identifying student information; that is reduced to a "best practice" and is not enforceable.

The data issue and the college and career assessments are connected. These assessments, including but not limited to ACT, SAT, or WorkKeys, should not be required for graduation. Students who wanted or needed to take them to apply for certain colleges did take them before it was a requirement. HB85 would not prevent anyone from continuing to take these tests of their own volition. These tests have all been aligned to Common Core (see the College Board website), and per legislation that passed last session, there are not supposed to be any further expenditures on Common Core materials. Additionally, WorkKeys is offered for free by DOL for anyone age 16 and up. Why does AK DEED want to usurp this? With all the budget shortages, why did AK DEED want to pay for and require these? Do they so strongly desire to gather the data from these tests as well?

Again, please lend your support to HB85.

Thank you,  
Taryn Luskleet  
North Pole, AK

## Janet Ogan

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**From:** Karen Perry <rperry@mtaonline.net>  
**Sent:** Wednesday, April 08, 2015 10:56 AM  
**To:** Rep. Wes Keller; Rep. Liz Vazquez; Rep. Jim Colver; Rep. Paul Seaton; Rep. David Talerico; Rep. Harriet Drummond; Rep. Jonathan Kreiss-Tomkins  
**Subject:** HB85  
**Importance:** High  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Legislator,

Please support HB 85...it is the Constitutional, both the U.S. Constitution and Alaska Constitution, thing to do.

Alaskans are looking for Legislators to LISTEN and FOLLOW the Constitution.  
Anything less is not acceptable.

TY,  
Karen Perry

**Janet Ogan**

---

**From:** Amanda Russell <summit\_high@hotmail.com>  
**Sent:** Wednesday, April 08, 2015 3:25 PM  
**To:** Rep. Harriet Drummond; Rep. Wes Keller; Rep. Paul Seaton; Rep. Liz Vazquez; Rep. Jim Colver; Rep. David Talerico; Rep. Jonathan Kreiss-Tomkins; Rep. Mike Chenault; Sen. Kevin Meyer  
**Cc:** Sen. Bert Stedman  
**Subject:** Written Testimony for HB278, HB85, SB80, and SB89

April 8<sup>th</sup>, 2015

Dear Representatives of the House Education committee,

I am writing in support of keeping the funding as already voted on and promised in HB278.

The unexpected proposed cuts are too much for Sitka School District to endure, our town is already suffering financially. As a parent of three children in the school system here, I do not wish to leave a legacy of our legislature using a slash and burn cutting approach on the funding for their education. There must be another way.

I am also writing to stand behind and support HB85.

I will also be writing to the senate committee in support of SB80, and in 100% support of SB89 for the protection of our children.

Thank you for your time and consideration of my written testimony.

Sincerely,

Amanda Russell

1307A Georgeson Loop

Sitka, AK 99835

907-738-0084

summit\_high@hotmail.com

## Janet Ogan

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**From:** Rachelle Seiber <deettap@hotmail.com>  
**Sent:** Thursday, April 09, 2015 2:17 PM  
**To:** Rep. Wes Keller  
**Subject:** HB85

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Afternoon Representative Keller,  
I am writing today to request that HB85 Digital Privacy of Student Data be approved and moved out of committee as soon as possible. This bill is of vital importance to families across the state.  
Thanks so much,  
Rachelle Seiber

## Janet Ogan

---

**From:** Sydney Wetzel <mrswetzel@hotmail.com>  
**Sent:** Thursday, April 09, 2015 9:45 AM  
**To:** Rep. Wes Keller  
**Subject:** HB85

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Representative Keller,

I wish to show my total support for Reinbold's HB85 on data privacy for my children. I hope that you & the rest of our representatives will do the same. Thank you for working to do what's best for Alaskan families.

Sydney Wetzel  
19805 Doties Dr  
Chugiak, AK 99567

Sent from Windows Mail



# Alaska State Legislature

Please enter into the record my testimony to the \_House Education Committee  
on \_\_\_HB85 \_\_\_ dated \_\_\_040815\_\_\_.

Honorable Representatives,

We would like you to support HB 85, "**An Act relating to college and career readiness assessments for secondary students; and relating to restrictions on the collection, storage, and handling of student data.**"

We are alarmed about our children's personal data being collected on a massive scale without my permission. When we gave his personal information to the school, we thought (mistakenly) that it would be protected and go no further than the school walls. How wrong we were. It is the intent of the State of Alaska DEED and the Federal Government to personally track our children from preschool to when they enter the workforce (P-20W, SLED, Answers, through OASIS, PowerSchool). We are alarmed that this is all being done without our knowledge or consent.

This is especially alarming in light of the security breach at Premera Blue Cross, who just informed us that our children's personal data including SS#, physical address, and medical data has been stolen and we need to have daily monitoring of their credit report now. This massive data collection **IS A VERY BAD IDEA, ANONYMITY IS THEIR ONLY SECURITY**. FERPA no longer protects us.

Please support HB85.

Sincerely,  
Jeff and Linda Sisson  
hang10ak@hotmail.com

## Janet Ogan

---

**From:** jrockclimb@aol.com  
**Sent:** Friday, April 10, 2015 2:18 PM  
**To:** Rep. Wes Keller; Rep. Liz Vazquez; Rep. Jim Colver; Rep. Paul Seaton; Rep. Harriet Drummond; Representative.Dav.Talerico@akleg.gov; Rep. Jonathan Kreiss-Tomkins  
**Cc:** Rep. Matt Claman; michaelclimbsmountains@hotmail.com  
**Subject:** Please support moving HB 85 out of committee

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Representatives,  
Please help move House Bill 85 out of committee. This bill prohibits collecting specific data on students, parents and teacher, prohibits selling the data commercially without consent. It also empowers the parents to opt out of any state assessment and repeals the requirement of the state to pay for an ACT/SAT. It saves the state hundreds of thousands of dollars!

Please help insure student privacy is being upheld and parental rights strengthened by supporting HB85 and moving it out of committee!

Respectfully Submitted,

Mike and Erica Johnson  
Parents of a seven, 13 and 14 year old  
3891 Caravelle Drive  
Anchorage, Alaska 99502  
(907) 444-1009

## Janet Ogan

---

**From:** Bonnie Cameron <rbcameron1997@gmail.com>  
**Sent:** Friday, April 10, 2015 1:57 AM  
**To:** Rep. Wes Keller  
**Subject:** HB85

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please support this bill and get it out of Committee. Parents are watching and hoping for SOMEONE to listen to us over this important and popular issue. Many of us feel that Rep. Reinbold and Sen. Dunleavy are the only ones who are taking this seriously.

Thank you,  
Robert and Bonnie Cameron

## Janet Ogan

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**From:** Dana <spenardgirl@yahoo.com>  
**Sent:** Thursday, April 09, 2015 5:56 PM  
**To:** Rep. Wes Keller  
**Subject:** HB 85

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please get this done! Protect my grandchildren from government.

Dana Smith  
17826 Chilkat Eagle River AK  
907-351-1411

## Janet Ogan

---

**From:** Deanna Cresap <deanna.cresap@gmail.com>  
**Sent:** Thursday, April 09, 2015 5:16 PM  
**To:** Rep. Wes Keller  
**Subject:** HB 85

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please support this bill for our privacy rights and repeal that the state has to pay for sat and act test. Thank you,  
Deanna Cresap

## Janet Ogan

---

**From:** shane@acsalaska.net  
**Sent:** Monday, April 13, 2015 11:00 AM  
**To:** Rep. Craig Johnson; Rep. Lora Reinbold; Rep. Wes Keller  
**Subject:** HB 85 - please support!

Dear Representatives,

I am writing to ask you to support and help pass HB 85.

My children's privacy is being violated with the new methods of testing that include data collection and, according to recent testimony by Commissioner Hanley, maintaining the flow of data on students seems to be his main concern.

My main concern is having our rights to privacy be protected and upheld. Having the ability to refuse testing, remain independent and allow for parental and local control over education are essential in upholding the rights of parents to make the best educational choices for their children.

Please support and pass HB 85.

Gratefully,

Shane Locke  
12511 Clipper Ship Dr.  
Anchorage, AK 99515

## Janet Ogan

---

**From:** Amy Locke <amy@acsalaska.net>  
**Sent:** Monday, April 13, 2015 8:56 AM  
**To:** Rep. Wes Keller  
**Cc:** Rep. Lora Reinbold  
**Subject:** HB 85

Dear Representative Keller,

I am writing to ask you to support and help pass HB 85.

My children's privacy is being violated with the new methods of testing that include data collection and, according to recent testimony by Commissioner Hanley, maintaining the flow of data on students seems to be his main concern.

My main concern is having our rights to privacy be protected and upheld. Having the ability to refuse testing, remain independent and allow for parental and local control over education are essential in upholding the rights of parents to make the best educational choices for their children.

Please support and pass HB 85.

Gratefully,

Amy Locke  
12511 Clipper Ship Dr.  
Anchorage, AK 99515

## Janet Ogan

---

**From:** Robert & Bonnie Cameron <cameron@ak.net>  
**Sent:** Monday, April 13, 2015 10:54 AM  
**To:** GOV.AllLegislators@alaska.gov  
**Subject:** HB85

I am strongly in support of HB85. I appreciate that Rep. Reinbold is trying to protect Alaskan citizens.

I noticed that the representative from Dept of Education this morning made a statement similar to the fact that DEED already protects student privacy, but would have to do more research. Well, then, if DEED already does this then they shouldn't be concerned with this bill and, in fact, should be very supportive of this bill and not in any way concerned.

I also noticed the DEED representative cited FERPA. FERPA was gutted in anticipation of the states' longitudinal data systems. FERPA can be cited all day long but it doesn't change the fact that parents do NOT have the authority we once did in regards to our children's rights to privacy. It is now YOUR DUTY to **uphold** our privacy as stated in the AK State Constitution Article 1 Section 22.

Sincerely,  
Bonnie Cameron

## Janet Ogan

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**From:** Stephanie Farrelly <srfarrelly@gmail.com>  
**Sent:** Monday, April 13, 2015 8:54 AM  
**To:** Rep. Wes Keller  
**Cc:** Rep. Lora Reinbold  
**Subject:** HB 85

State Rep. Wes Keller  
Chair, House Education Committee  
Capitol Bldg. Room 106  
[Representative.Wes.Keller@akleg.gov](mailto:Representative.Wes.Keller@akleg.gov)  
Juneau, AK 99801

Dear Rep. Keller:

Please support and pass HB 85 that is scheduled to be introduced in your committee on Monday April 13, 2015. This bill will allow parents to have their school children's data privacy respected, as per our Alaska Constitution (Article 1, Section 22: "The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section. [Amended 1972]"). This bill will also allow parents to have their school children opt out of college and career readiness assessment tests if the student has met all other graduation requirements of the governing body and the state. Overall, this bill will restore more local and parental control of their school children without undue state or federal overreach, which is in accordance with 5 Alaskan political parties or groups:

(1) The Alaska Republican Party 2014 Platform ("We support the primary right of parents to control and direct their children's education.");

(2) The Alaska Republican Assembly Principles ("Education: We believe in the rights of parents to a quality education for their children. We support parental choice to create competition among the schools. We must insure that no school or teachers' union can compromise the education of our children or advance a particular political agenda at the expense of our future generation's educations.");

(3) The Alaska Constitution Party 2014 Platform ("#9: Strengthening the traditional family and supporting individual accountability without unwarranted government interference or regulation. This includes support of the educational rights of parents to privately or home school their children.");

(4) The Alaska Libertarian Party 2014 Platform ("2.5 Education...Schools should be managed locally to achieve greater accountability and parental involvement. Recognizing that the education of the children is inextricably linked to moral values, we would return authority to parents to determine the education of their children, without interference from government. In particular, parents should have control of and responsibility of their children's education.); and

(5) The Alaskan Independence Party Platform ("15. To support the rights of parents to privately or home school their children.").

Sincerely,  
Stephanie Farrelly

## Janet Ogan

---

**From:** Thomas Ryan IV <tryanapple@me.com>  
**Sent:** Sunday, April 12, 2015 11:19 PM  
**To:** Rep. Wes Keller  
**Cc:** Rep. Lora Reinbold; Rep. Shelley Hughes; Sen. Bill Stoltze  
**Subject:** House Bill No. 85

Dear Representative Keller,

Hello Wes. I would encourage you to fully support ***House Bill Number 85***. Laura and I are very concerned about the recent direction our state education system has taken with the advent of “data mining” of our students. Particularly the requirements of data on students through our Alaska PFD system in exchange for Federal monies towards testing. This bill is a good first step in protecting our children and preserving their privacy. I appreciate your willingness to stand in the gap in this area.

Thank you for your service,

Thomas R Ryan, IV  
Laura A Ryan

## Janet Ogan

---

**From:** Friedli home <njfriedli@gci.net>  
**Sent:** Sunday, April 12, 2015 10:05 PM  
**To:** Rep. Wes Keller  
**Cc:** Rep. Lora Reinbold; Rep. Dan Saddler  
**Subject:** HB 85

State Rep. Wes Keller  
Chair, House Education Committee  
Capitol Bldg. Room 106  
Representative.Wes.Keller@akleg.gov  
Juneau, AK 99801

Dear Representative Keller,

I am writing to you at this time to encourage you to support and pass HB 85, which will be introduced on April 13, 2015. My biggest concern at this time is that my child's data remains secure and private. According to our Alaska Constitution (Article 1, Section 22), privacy is the right of the people and should be recognized at all ages. I also feel that it is important for parents to be able to opt their children out of national testing if they feel it is not in the best interest of their child. This bill will also allow parents to opt out of college and career readiness assessment tests if other requirements for graduation are met.

Please support the passage of HB 85.

Thank you.

Julie Friedli

20434 Williamsburg Dr.

Eagle River, AK 99577

(907)696-4038

## Janet Ogan

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**From:** katrina chambon <katrina.chambon@gmail.com>  
**Sent:** Monday, April 06, 2015 9:28 AM  
**To:** Rep. Harriet Drummond; Rep. David Talerico; Rep. Jonathan Kreiss-Tomkins; Rep. Paul Seaton; Rep. Jim Colver; Rep. Liz Vazquez; Rep. Wes Keller; Rep. Lora Reinbold  
**Subject:** HB 85

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please support HB 85 and move it forward. I 100% support the bill. The amount of data being collected on our children is terrifying. My son is no longer taking any assessments tests. Please support this bill.

Thank you,

Katrina Chambon

## Janet Ogan

---

**From:** Shiloh Greenwood <december281996@gmail.com>  
**Sent:** Wednesday, April 08, 2015 9:19 AM  
**To:** Rep. Wes Keller  
**Subject:** Hb85

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Wes Keller,

Please support Hb-85 for Alaskans. Representative Laura Reinbold 's bill. In support of student data privacy.

Thank you

Shiloh Greenwood  
[december281996@gmail.com](mailto:december281996@gmail.com)

## Janet Ogan

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**From:** tonia gutting <tdand3@yahoo.com>  
**Sent:** Wednesday, April 08, 2015 8:45 AM  
**To:** Rep. Wes Keller; Rep. Liz Vazquez; Rep. Jim Colver; Rep. Paul Seaton; Rep. David Talerico; Rep. Harriet Drummond; Rep. Jonathan Kreiss-Tomkins  
**Subject:** HB85

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Morning,

I am sitting down to teach my children in just a few minutes, but am taking the time out to ask you to pass HB 85. While I appreciate being able to be a part of one of AK's correspondence schools, I will not be able to participate if the student privacy continues to be undermined. Please pass this bill and allow Alaskan students the freedom, individuality and privacy we so highly value in this great frontier state.

Thank you,  
Tonia Gutting

## Janet Ogan

---

**From:** Cindy Koestler <cindy56k@yahoo.com>  
**Sent:** Wednesday, April 08, 2015 7:19 AM  
**To:** Rep. Wes Keller; Rep. Liz Vazquez; Rep. Jim Colver; Rep. Paul Seaton; Rep. David Talerico; Rep. Harriet Drummond; Rep. Jonathan Kreiss-Tomkins; Tomkins@akleg.gov  
**Subject:** Data Mining

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am writing you this morning to ask you all to stand behind Rep Lora Reinbolds, bill. This is iimportant for parents to know. The parents in this state deserve to have their representatives protecting their children and their rights. Vote yes for this bill.

## Janet Ogan

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**From:** hollyberry45@mtaonline.net  
**Sent:** Wednesday, April 08, 2015 11:39 AM  
**To:** Rep. David Talerico; Rep. Jim Colver; Rep. Liz Vazquez; Rep. Wes Keller; Rep. Paul Seaton; rep.harriett.drummond@akleg.gov  
**Subject:** HB 85 Student Privacy & SB89 Parents Rights

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

--- Begin forwarded message: Dear Legislators. Please support HB 85 and SB 89. Thank you. Jim and Holly Pазsint of 6330 East Mountain Goat Circle, Wasilla, Ak 99654. [hollyberry45@mtaonline.net](mailto:hollyberry45@mtaonline.net)

Alert! 8 am & 3 pm April 8. Testimony needed: HB 85 Student Privacy & SB89 Parents Rights

AK Legislative teleconf. call 1-844-586-9085 or attend at your Legislative Office to speak or email or fax the House and Senate Education Committees . details below:

----- Forwarded message -----

From: **Barbara Haney** <[barbarahaney100@gmail.com](mailto:barbarahaney100@gmail.com)>

Bright and early in the am, we need folks to call into the House Education Committee to support HB 85-- or send an email to the committee to support it. This is [Representative Lora Reinbold's](#) bill. 1-844-586-9085 or attend at your LIO

Email [Representative.Wes.Keller@akleg.gov](mailto:Representative.Wes.Keller@akleg.gov), [Representative.Liz.Vazquez@akleg.gov](mailto:Representative.Liz.Vazquez@akleg.gov),  
[Representative.Jim.Colver@akleg.gov](mailto:Representative.Jim.Colver@akleg.gov), [Representative.Paul.Seaton@akleg.gov](mailto:Representative.Paul.Seaton@akleg.gov),  
[Representative.Dave.Talerico@akleg.gov](mailto:Representative.Dave.Talerico@akleg.gov),  
[Representative.Harriet.Drummond@akleg.gov](mailto:Representative.Harriet.Drummond@akleg.gov),...

[See More](#)

My fellow Alaskans,

We have two bills coming up that the School Boards and DEED will likely fight us on. We need numbers to call in and write to block them out of the testimony. To those who called, THANK YOU! Please get others to call in!

House Bill 85, Sponsor Reinbold: We need testimony on two bills en masse. The first is Rep. Reinbold's bill on Data privacy (which also has refuse test provisions). Testimony to the HOUSE Education Committee on the bill is at **8:00 am April 8**. This is to keep the student data from being shared outside of DEED.

The next bill is Senate Bill 89: Sponsor Dunleavy. This is the Parents' Rights bill. Senator Dunleavy replaced the language that was requested by Alaskans Against Common Core and it is now a very strong bill. Sen.

Huggins also included an amendment that prevents Planned Parenthood from implementing programs in schools. **3:00 Senate Education Committee (Big Big Thank you Senator Dunleavy for the language change).**

Please share as you see fit.

Regards,

Barbara Haney



*DON'T LET THE SUN SET ON  
FREEDOM*

*RESTORE STUDENT DATA PRIVACY  
HOUSE BILL 85*

**RAIDERS  
OF STUDENT DATA**

Call: 8:00 am, House Education Committee  
1-844-586-9085 or attend at your LIO

email: [Representative.Wes.Keller@akleg.gov](mailto:Representative.Wes.Keller@akleg.gov)

POM: <http://www.legis.state.ak.us/poms/>

--001a1141bc5a0ceafd051338914b--

## Janet Ogan

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**From:** Amy Temple <akteachermom@yahoo.com>  
**Sent:** Wednesday, April 08, 2015 2:29 PM  
**To:** Rep. Wes Keller; Rep. Liz Vazquez; Rep. Jim Colver; Rep. Paul Seaton; Rep. David Talerico; Rep. Harriet Drummond; Rep. Jonathan Kreiss-Tomkins  
**Subject:** HB 85

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I'm a mom of 5 school age children in Fairbanks. I care about my children, their future, and their privacy. I care about my family's privacy. I'm deeply disturbed by the idea of state agencies pooling or sharing information in an interconnected data base, especially when my children's educational records (state testing scores and eventually individual answers to questions) are involved. I strongly oppose the idea of SLDS and any preschool to grade 20/the workforce database (P-20W) or Project ANSWERS. I have a teaching background and a Master's degree in Educational Psychology. I understand the importance of testing and feedback and how these can help teachers target areas of need for student instruction.

I understand, too, the need for research over an extended time period. I do not think individual privacy should be stripped to do this.

Please, please, please protect our right to privacy. Prevent the formation of SLDS/P-20W/Project ANSWERS. Please protect our individual liberties.

Thank you for your time and serious consideration of the future of education and personal liberties in our state. Please protect us!

Sincerely,  
Amy Temple  
Fairbanks, AK

Published Online: April 6, 2015

## **Education commissioner: Students can't opt out of testing**

FRANKFORT, Ky. (AP) — Kentucky Education Commissioner Terry Holliday says school districts cannot honor requests from parents who want to opt their children out of participating in standardized tests.

According to the Lexington Herald-Leader (<http://bit.ly/1DrGFOA>), Holliday sent an email to superintendents saying students who don't participate in assessments will receive a "0" score, and that will be part of the school's accountability calculation.

"Kentucky's statewide accountability system depends on the testing of every student," Holliday wrote. "No student may opt out of the standardized assessments conducted under this system. The purpose of testing every student is to ensure that all schools and districts are serving all students and that gaps in categories of students are identified, addressed and closed."

He encouraged district officials to review policies and to communicate them to parents. Holliday sent a similar message to superintendents last year.

Nancy Rodriguez, education department spokeswoman, said last week that a couple of districts had sought guidance on how to handle such requests this year. Laura Arrasmith of Mason County says she has requested to opt out her children from the statewide testing assessment that takes place during a district's last 14 instructional days. She says she is in touch with other parents who feel the same way.

"We've been using the word opt out, but we really need to use the word refuse — we are refusing," she said.

Terry Donoghue, a member of Kentuckians Against Common Core, said the group isn't urging families to opt out of testing but says they are protected by the U.S. Constitution if that's the route they choose.

Todd Allen, the assistant general counsel for the education department, said in a statement that parents can opt out of public education completely, but they can't stay in public schools and choose which provisions to follow and which to disregard.

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Information from: Lexington Herald-Leader, <http://www.kentucky.com>

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**[http://www.edweek.org/ew/articles/2015/04/05/education-commissioner-students-cant-opt-out\\_ap.html](http://www.edweek.org/ew/articles/2015/04/05/education-commissioner-students-cant-opt-out_ap.html)**

Distributed by the Office of Rep. Paul Seaton



Dr. Susan Henrichs  
Provost and Executive Vice Chancellor  
for Academic Affairs  
P.O. Box 757580  
University of Alaska Fairbanks  
Fairbanks, Alaska 99775

The Honorable Lora Reinbold  
House of Representatives  
Alaska State Capitol  
Juneau, Alaska 99801-1182

Dear Representative Reinbold:

I am writing on behalf of the University of Alaska Anchorage, University of Alaska Fairbanks, and University of Alaska Southeast Provosts and Deans of Education to express our concern about HB 85 "An Act relating to college and career readiness assessments for secondary students; and relating to restrictions on the collection, storage, and handling of student data."

In particular, we are concerned about a provision in Section 7:

- (6) 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 1 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;

This provision of HB 85, if enacted, could prevent UA teacher preparation programs from maintaining their accreditation through the Council on Accreditation of Teacher Preparation, and that in turn could prevent any UA graduate from being certified to teach in the State of Alaska.

As you probably know, the State certifies teachers who have completed approved university teacher preparation programs or State-approved teacher preparation programs. For prospective teachers who graduate from a teacher preparation program in Alaska, the State requires that the program be accredited by the Council for the Accreditation of Educator Preparation (CAEP, formerly called NCATE). All three University of Alaska teacher preparation programs are currently accredited by CAEP, which has

recently been implementing new requirements. Those are described in full in the following document:  
[https://caepnet.files.wordpress.com/2015/03/caep\\_accreditation\\_manual.pdf](https://caepnet.files.wordpress.com/2015/03/caep_accreditation_manual.pdf)

If access to K-12 student information is highly restricted, it might be impossible for UA to meet CAEP Standard 4, which is attached to this letter in its entirety. In particular, UA's ability to meet Standard 4.1 will be impacted by HB 85.

*4.1 The provider documents, using multiple measures, that program completers contribute to an expected level of student-learning growth. Multiple measures shall include all available growth measures (including value-added measures, student-growth percentiles, and student learning and development objectives) required by the state for its teachers and available to educator preparation providers, other state-supported P-12 impact measures, and any other measures employed by the provider.*

This standard requires that University teacher education programs demonstrate that the teachers they have prepared are effective. That must be done by measuring student learning in the classes that the graduates teach. If no data about K-12 student learning are available to UA, that will be impossible.

I understand that (6) (A) (iii) might allow UA to access the information if State law provided for release of the information to UA or an interagency agreement was put in place for each school district where recent UA graduates teach. However, UA prefers that HB 85 expressly permits access by authorized UA personnel, who require the access in order to perform duties assigned by UA.

More concerning, it appears that (6) (B) would prevent any transfer of student data to UA, and that would make it impossible for UA to use student data to meet the CAEP accreditation standards. Hence, UA also asks that (B) be broadened to include a provision that allows data transfer to the University of Alaska. UA must follow Federal privacy laws and has appropriate policies and security measures in place to assure students' privacy. UA would redact and group student data in reports to CAEP to ensure anonymity.

Thank you for considering this matter.

Sincerely yours,



Susan Henrichs

cc: House Education Committee Members

**STANDARD 4**—*The provider demonstrates the impact of its completers on P-12 student learning and development, classroom instruction, and schools, and the satisfaction of its completers with the relevance and effectiveness of their preparation.*

**NOTE 1: CAEP Board policy on Standard 4:**

To be awarded full accreditation, each provider must meet CAEP's guidelines for evidence for the annual report measures, including all components of Standard 4 on impact. The examples of measures and related guidelines, below, are to assist providers in preparing to compile and write their self-study evidence for Standard 4. In addition, the provider's annual reports accumulate year by year provider data for Standard 4 impact measures. Provider analysis of the trends in those annual measures are analyzed and written as part of the self-study evidence for component 5.4 on continuous improvement.

**NOTE 2: Standard 4 and the "8 annual reporting measures"**

The CAEP January requests for provider annual reports include questions about data on each of the 4.1-4.4 measures. The provider request defines the minimum expectation each year until reporting across providers can be complete and consistent. Trends in the provider's cumulative reports since the last accreditation cycle will be included and interpreted as part of the self-study. Providers may supplement that information with other, more detailed, data on the same topics if they have any.

**4.1** *The provider documents, using multiple measures, that program completers contribute to an expected level of student-learning growth. Multiple measures shall include all available growth measures (including value-added measures, student-growth percentiles, and student learning and development objectives) required by the state for its teachers and available to educator preparation providers, other state-supported P-12 impact measures, and any other measures employed by the provider.*

**4.2** *The provider demonstrates, through structured and validated observation instruments and student surveys, that completers effectively apply the professional knowledge, skills, and dispositions that the preparation experiences were designed to achieve.*

**4.3** *The provider demonstrates, using measures that result in valid and reliable data and including employment milestones such as promotion and retention, that employers are satisfied with the completers' preparation for their assigned responsibilities in working with P-12 students.*

**4.4** *The provider demonstrates, using measures that result in valid and reliable data, that program completers perceive their preparation as relevant to the responsibilities they confront on the job, and that the preparation was effective.*