

HOUSE BILL NO. 257

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE REINBOLD

Introduced: 1/17/14
Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to restrictions on the collection, storage, and handling of student data."**

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

3 * **Section 1.** AS 14.03.078 is amended to read:

4 **Sec. 14.03.078. Report.** The department shall provide to the legislature by
5 February 15 of each year an annual report regarding the progress of each school and
6 school district toward high academic performance by all students. The report required
7 under this section must include

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

9 (2) the number and percentage of students in each school who pass the
10 examination required under AS 14.03.075, and the number who pass each section of
11 the examination;

12 (3) progress of the department

13 (A) toward implementing the school accountability provisions
14 of AS 14.03.123; and

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

1 (4) a description of the resources provided to each school and school
2 district for coordinated school improvement activities and staff training in each school
3 and school district;

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

6 (6) a description of the efforts by the department to assist a public
7 school that receives a designation of deficient or in crisis;

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

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

12 (9) the number of teachers by district and by school who are teaching
13 outside the teacher's area of endorsement but in areas tested by the high school
14 competency examination;

15 **(10) a description of changes made to the collection and**
16 **publication of student data;**

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

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

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

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

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

31 * **Sec. 3.** AS 14.03.115 is amended by adding a new subsection to read:

1 (b) A school, district, or the department may use student data that contains
 2 personally identifiable information for a commercial purpose only by first obtaining
 3 written consent, within six months of the use, from the student or the student's parent
 4 or legal guardian. Consent must be dated when signed and state the limited purpose
 5 for which the consent is provided and the records that may be used. In this
 6 subsection, "commercial purpose" includes marketing of products or services,
 7 compilation of lists for sale or rent, development of products or services, and the
 8 creation of individual, household, or group profiles.

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

10 **Sec. 14.03.117. School district data security.** Each school district in the state
 11 shall

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

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

16 (3) publish and annually update on the district's Internet website, the
 17 district's data security plan, data inventory, and explanation of the data inventory.

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

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

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

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

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

30 * **Sec. 6.** AS 14.07.165 is amended to read:

31 **Sec. 14.07.165. Duties.** The board shall adopt

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

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

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

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

8 (5) regulations implementing the secondary school student competency
9 examination provisions of AS 14.03.075, including the criteria and procedure under
10 which a governing body uses a waiver to grant a diploma to a student; criteria
11 regarding granting a waiver must include provisions that a waiver may only be granted
12 for students who enter the system late or have rare or unusual circumstances meriting
13 a waiver;

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

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

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

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

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

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

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

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

1 **personally identifiable information of students;**

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

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

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

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

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

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

13 **(i) comply with federal and state law;**

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

15 **(iii) carry out a school transfer or student location**
 16 **request; or**

17 **(iv) compare multistate assessment data;**

18 **(C) prohibit collecting and reporting student data**
 19 **pertaining to**

20 **(i) juvenile delinquency records;**

21 **(ii) criminal records;**

22 **(iii) medical and health records;**

23 **(iv) biometric information;**

24 **(v) political or religious affiliation;**

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) except as otherwise provided in AS 14.03.115, prohibit the sharing of student data, including electronic mail addresses and other electronically stored information, for marketing or advertising purposes;

(F) provide for other security measures.

* **Sec. 7.** AS 14.07.165 is amended by adding a new subsection to read:

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