

House File 2053 - Introduced

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A BILL FOR

1 An Act relating to statewide student assessments and to student
2 data collection by the department of education, school
3 districts, and accredited nonpublic schools.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.7, subsection 21, paragraph b,
2 subparagraph (2), Code 2016, is amended to read as follows:

3 (2) Notwithstanding subparagraph (1), for the school year
4 beginning July 1, 2016, and each succeeding school year, the
5 rules shall provide that all students enrolled in school
6 districts in grades three through eleven shall be administered
7 an assessment during the last quarter of the school year that
8 at a minimum assesses the core academic indicators identified
9 in this paragraph "b"; is aligned with the Iowa common core
10 standards in both content and rigor; accurately describes
11 student achievement and growth for purposes of the school, the
12 school district, and state accountability systems; and provides
13 valid, reliable, and fair measures of student progress toward
14 college or career readiness. However, if the state board
15 proposes rules providing for a statewide assessment other than
16 the assessment approved pursuant to subparagraph (1), the state
17 board shall submit its proposed rules to the general assembly
18 and shall not adopt such rules unless the proposed rules are
19 specifically authorized by a constitutional majority of each
20 house of the general assembly and approved by the governor.

21 Sec. 2. **NEW SECTION. 256.34 Student data collection —**
22 **policies and plans.**

23 1. The department shall establish data collection, data
24 privacy, and data sharing policies for data relating to
25 students collected by the department, school districts, and
26 accredited nonpublic schools.

27 2. The department shall annually conduct an inventory of and
28 categorize the data collected on students and the purposes for
29 which the data is collected, and shall report to the general
30 assembly by November 1, 2016, and by November 1 each succeeding
31 year, the department's findings and recommendations.

32 3. The department shall create a detailed student data
33 security plan that includes privacy compliance standards, a
34 data breach plan, data retention or destruction plans, and
35 guidelines for authorizing student and parental access to

1 student data. This section shall not be construed to undermine
2 or eliminate the right of a student's parent or guardian
3 to review, correct, amend, add to, or delete the student's
4 information on the department's database, or the student's
5 future right as an adult to review, correct, amend, add to, or
6 delete the student's information on the department's database.

7 4. The department, school districts, and accredited
8 nonpublic schools shall not include any of the following in
9 student data files:

10 a. Information regarding biometrics, psychometrics, or
11 health.

12 b. Any of the following information as it relates to the
13 student or the student's family:

14 (1) Voting status.

15 (2) Income.

16 (3) Personality traits such as work techniques, attitude,
17 and effort.

18 (4) Political affiliations.

19 (5) Religious affiliations.

20 (6) Telephone numbers other than contact telephone numbers.

21 (7) Criminal or juvenile justice records.

22 5. a. Student data shall be kept confidential by the
23 department, a school district, or an accredited nonpublic
24 school unless otherwise ordered by a court, by the lawful
25 custodian of the data, or by another person duly authorized to
26 release such data.

27 b. Except as provided in paragraph "a", student data shall
28 not be provided outside of the state unless necessary to
29 facilitate the timely enrollment and placement of a student who
30 is transferring to a school outside the state.

31 6. Except as prohibited in subsection 7, the department
32 shall establish and maintain a policy relating to the sharing,
33 security, and confidentiality of student data in compliance
34 with the federal Family Educational Rights and Privacy Act, 20
35 U.S.C. §1232g.

1 7. The state board and the department shall not enter
2 into an agreement with any entity that has an agreement with
3 any federal governmental agency or with a third party that
4 has an agreement with any federal governmental agency, to
5 share personally identifiable student data, or that is working
6 with any federal governmental agency to develop a strategy to
7 make available, on an ongoing basis for research, personally
8 identifiable student data that results from services provided
9 by the entity to the state.

10 8. The department shall notify the governor and the
11 general assembly annually of changes in measures to collect
12 student data or to maintain student data collections by the
13 department which are required for any reason, including changes
14 in federal reporting requirements. Such change shall not be
15 implemented by the department unless specifically authorized by
16 a constitutional majority of each house of the general assembly
17 and approved by the governor or unless otherwise specifically
18 authorized by statute.

19 9. Student data shall not be published, or shared outside
20 the state, by the department except in aggregate form.

21 10. This section shall not be construed to supersede any
22 provision of section 22.7, section 256.9, subsection 48, or
23 chapter 256H.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill relates to statewide student assessments and
28 student data collection by the department of education,
29 school districts, and accredited nonpublic schools. The bill
30 requires the department to create student data-related policies
31 and plans, and also requires that changes proposed by the
32 department relating to the statewide assessment or to student
33 data collection or maintenance must be specifically authorized
34 by the general assembly and approved by the governor.

35 ASSESSMENTS. Currently, Code section 256.7(21) requires the

1 state board of education to specify in rule that the approved
2 district-wide assessment of student progress administered for
3 purposes of the core academic indicators in mathematics and
4 reading in grades 4, 8, and 11, and for science in grades 8
5 and 11, must be the Iowa assessments. However, for the school
6 year beginning July 1, 2016, and each succeeding school year,
7 the rules must provide that the assessment at a minimum must
8 also be aligned with the Iowa common core standards in both
9 content and rigor; accurately describe student achievement and
10 growth for purposes of the school, the school district, and
11 state accountability systems; and provide valid, reliable, and
12 fair measures of student progress toward college or career
13 readiness. Under the bill, if the state board proposes rules
14 providing for a statewide assessment other than the Iowa
15 assessments, it must submit the proposed rules to the general
16 assembly, and the state board is prohibited from adopting such
17 rules unless specifically authorized by the general assembly
18 and the governor.

19 STUDENT DATA COLLECTION — POLICIES AND PLANS. The bill
20 requires the department to establish policies for student
21 data collection, and to annually conduct an inventory of and
22 categorize the data collected on students and the purposes
23 for which the data is collected, and report its findings and
24 recommendations to the general assembly by November 1, 2016,
25 and by November 1 each succeeding year.

26 The department must also create a detailed student
27 data security plan, a data breach plan, data retention or
28 destruction plans, and guidelines for authorizing student and
29 parental access to student data.

30 The bill prohibits the department, school districts, and
31 accredited nonpublic schools from including in student data
32 files certain information regarding biometrics, psychometrics,
33 and health; certain information concerning the student's or the
34 student's family; and further prohibits the department from
35 publishing student data, and from sharing student data outside

1 the state, except in aggregate form.

2 Student data must be kept confidential unless otherwise
3 ordered by a court, by the lawful custodian of the records, or
4 by another person duly authorized to release such information.
5 The bill allows student data to be provided outside of the
6 state if necessary to facilitate the timely enrollment and
7 placement of a student who is transferring to an out-of-state
8 school. Similar provisions are currently provided for in
9 Code chapters 22 and 256H, and Code sections 279.9A, 280.19A,
10 280.25, 280.29, and 299A.11.

11 The department must establish and maintain a policy relating
12 to the sharing, security, and confidentiality of student data
13 in compliance with the federal Family Educational Rights
14 and Privacy Act, 20 U.S.C. §1232g. The state board and the
15 department are prohibited from entering into an agreement with
16 any entity that has an agreement with any federal governmental
17 agency or with a third party that has an agreement with any
18 federal governmental agency, to share personally identifiable
19 student data, or that is working with any federal governmental
20 agency to develop a strategy to make available, on an ongoing
21 basis for research, personally identifiable student data that
22 results from services provided by the entity to the state.

23 The department shall notify the governor and the general
24 assembly annually of changes to existing student data
25 collections maintained by the department. Unless specifically
26 authorized by the general assembly and approved by the
27 governor, changes that are not necessitated by changes in state
28 and federal reporting requirements shall not be implemented.

29 The new provisions relating to student data shall not be
30 construed to undermine or eliminate the right of a student's
31 parent or guardian to review, correct, amend, add to, or delete
32 the student's information on the department's database, or the
33 student's future right as an adult to review, correct, amend,
34 add to, or delete the student's information on the department's
35 database; or construed to supersede any existing open records

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1 law provisions, provisions relating to the department's
2 comprehensive management information system which are in
3 compliance with state and federal reporting requirements, or
4 provisions enacting the interstate compact on educational
5 opportunity for military children.