An Act relating to student data collection by the department
of education, school districts, and accredited nonpublic
schools.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. NEW SECTION. 256.25 Student data collection — policies and plans.

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

2. The department shall annually conduct an inventory of and categorize the data collected on students and the purposes for which the data is collected, and shall report to the general assembly by November 1, 2017, and by November 1 each succeeding year, the department’s findings and recommendations.

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

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

   a. Information regarding biometrics, psychometrics, or health.

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

      (1) Voting status.
      (2) Income.
      (3) Personality traits such as work techniques, attitude, and effort.
      (4) Political affiliations.
      (5) Religious affiliations.
      (6) Telephone numbers other than contact telephone numbers.
      (7) Electronic mail addresses other than contact electronic mail addresses.
      (8) Criminal or juvenile justice records.

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

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

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

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

8. The department shall notify the governor and the general
assembly annually of changes in measures to collect student
data or to maintain student data collections by the department
which are required for any reason, including changes in federal
reporting requirements. The department shall not implement
such change unless specifically authorized by a constitutional
majority of each house of the general assembly and approved by
the governor or unless otherwise specifically authorized by
statute.

9. Except as provided in subsection 5, the department shall
not publish, or share with state agencies inside or outside the
state, student data except in aggregate form.

10. This section shall not be construed to do any of the
following:
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1  a. Supersede any provision of section 22.7, section 256.9, subsection 44, or chapter 256H.
2  b. Undermine or eliminate the right of a student’s parent or guardian to review, correct, amend, add to, or delete the student’s information on the department’s database, or the student’s future right as an adult to review, correct, amend, add to, or delete the student’s information on the department’s database.

EXPLANATION

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

This bill relates to student data collection by the department of education, school districts, and accredited nonpublic schools. The bill requires the department to create student data-related policies and plans, and prohibits the department from making changes in the measures used to collect or maintain student data unless specifically authorized by the general assembly and approved by the governor or by statute. The bill requires the department to establish policies for student data collection, and to annually conduct an inventory of and categorize the data collected on students and the purposes for which the data is collected, and report its findings and recommendations to the general assembly by November 1, 2017, and by November 1 each succeeding year. The department must also create a detailed student data security plan, a data breach plan, data retention or destruction plans, and guidelines for authorizing student and parental access to student data.

The bill prohibits the department, school districts, and accredited nonpublic schools from including in student data files certain information regarding biometrics, psychometrics, and health; certain information concerning the student’s or the student’s family; and further prohibits the department from publishing student data, and from sharing student data with state agencies inside or outside the state, except in aggregate...
Student data must be kept confidential unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information. The bill allows student data to be provided outside of the state if necessary to facilitate the timely enrollment and placement of a student who is transferring to an out-of-state school. Similar provisions are currently provided for in Code chapters 22 and 256H, and Code sections 279.9A, 280.19A, 280.25, 280.29, and 299A.11. The department must establish and maintain a policy relating to the sharing, security, and confidentiality of student data in compliance with the federal Family Educational Rights and Privacy Act, 20 U.S.C. §1232g. The state board and the department are prohibited from entering into an agreement with any entity that has an agreement with any federal governmental agency or with a third party that has an agreement with any federal governmental agency, to share personally identifiable student data, or that is working with any federal governmental agency to develop a strategy to make available, on an ongoing basis for research, personally identifiable student data that results from services provided by the entity to the state. The department shall notify the governor and the general assembly annually of changes to existing student data collections maintained by the department. Unless specifically authorized by the general assembly and approved by the governor or by statute, changes that are not necessitated by changes in state and federal reporting requirements shall not be implemented. The new provisions relating to student data shall not be construed to undermine or eliminate the right of a student’s parent or guardian to review, correct, amend, add to, or delete the student’s information on the department’s database, or the student’s future right as an adult to review, correct, amend, add to, or delete the student’s information on the department’s
1 database; or construed to supersede any existing open records
2 law provisions, provisions relating to the department's
3 comprehensive management information system which are in
4 compliance with state and federal reporting requirements, or
5 provisions enacting the interstate compact on educational
6 opportunity for military children.