

House File 48 - Introduced

HOUSE FILE 48

BY SALMON

A BILL FOR

1 An Act relating to student data collection by the department
2 of education, school districts, and accredited nonpublic
3 schools.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 256.25 Student data collection —
2 policies and plans.

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

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

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

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

20 a. Information regarding biometrics, psychometrics, or
21 health.

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

24 (1) Voting status.

25 (2) Income.

26 (3) Personality traits such as work techniques, attitude,
27 and effort.

28 (4) Political affiliations.

29 (5) Religious affiliations.

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

31 (7) Electronic mail addresses other than contact electronic
32 mail addresses.

33 (8) Criminal or juvenile justice records.

34 5. a. Student data shall be kept confidential by the
35 department, a school district, or an accredited nonpublic

1 school unless otherwise ordered by a court, by the lawful
2 custodian of the data, or by another person duly authorized to
3 release such data.

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

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

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

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

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

34 10. This section shall not be construed to do any of the
35 following:

1 a. Supersede any provision of section 22.7, section 256.9,
2 subsection 44, or chapter 256H.

3 b. Undermine or eliminate the right of a student's parent
4 or guardian to review, correct, amend, add to, or delete the
5 student's information on the department's database, or the
6 student's future right as an adult to review, correct, amend,
7 add to, or delete the student's information on the department's
8 database.

9 EXPLANATION

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

12 This bill relates to student data collection by the
13 department of education, school districts, and accredited
14 nonpublic schools. The bill requires the department to create
15 student data-related policies and plans, and prohibits the
16 department from making changes in the measures used to collect
17 or maintain student data unless specifically authorized by the
18 general assembly and approved by the governor or by statute.

19 The bill requires the department to establish policies
20 for student data collection, and to annually conduct an
21 inventory of and categorize the data collected on students
22 and the purposes for which the data is collected, and report
23 its findings and recommendations to the general assembly by
24 November 1, 2017, and by November 1 each succeeding year.

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

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

1 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 governor
27 or by statute, changes that are not necessitated by changes
28 in state and federal reporting requirements shall not be
29 implemented.

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