

House File 39 - Introduced

HOUSE FILE 39

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, 2019, 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. a. The department, school districts, and accredited
18 nonpublic schools shall not include any of the following in
19 student data files unless otherwise provided in this section:

20 (1) Information reflecting the use of biometric or
21 psychometric data, including but not limited to information
22 gathered from a computer adaptive assessment.

23 (2) Any of the following information as it relates to the
24 student or the student's family:

25 (a) Voting status.

26 (b) Income, unless such information is required for
27 scholarships, tuition, or school meal programs administered in
28 accordance with chapter 283A.

29 (c) Personality traits such as work techniques, attitude,
30 and effort.

31 (d) Political affiliations.

32 (e) Religious affiliations, except an accredited nonpublic
33 school may include such information in a student's data files.

34 (f) Telephone numbers other than contact telephone numbers.

35 (g) Electronic mail addresses other than contact electronic

1 mail addresses.

2 (h) Criminal or juvenile justice records.

3 b. Notwithstanding paragraph "a", the department, school
4 districts, and accredited nonpublic schools may include in a
5 student's data file the telephone numbers and other contact
6 information for, and electronic messages provided by, persons
7 who are providing services to the student or the student's
8 family, including but not limited to health care professionals,
9 mental health professionals, social workers, public health
10 workers, attorneys, child advocates, and juvenile court
11 officers.

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

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

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

31 8. The department shall notify the governor and the general
32 assembly annually of changes in measures to collect student
33 data or to maintain student data collections by the department
34 which are required for any reason, including changes in federal
35 reporting requirements. The department shall not implement

1 such change unless specifically authorized by a constitutional
2 majority of each house of the general assembly and approved by
3 the governor or unless otherwise specifically authorized by
4 statute.

5 9. Except as provided in subsection 5, the department shall
6 not publish or share with any governmental agency outside of
7 the state student data except in aggregate form.

8 10. This section shall not be construed to do any of the
9 following:

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

12 b. Undermine or eliminate the right of a student's parent
13 or guardian to review, correct, amend, add to, or delete the
14 student's information on the department's database, or the
15 student's future right as an adult to review, correct, amend,
16 add to, or delete the student's information on the department's
17 database.

18 EXPLANATION

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

21 This bill relates to student data collection by the
22 department of education, school districts, and accredited
23 nonpublic schools. The bill requires the department to create
24 student data-related policies and plans, and prohibits the
25 department from making changes in the measures used to collect
26 or maintain student data unless specifically authorized by the
27 general assembly and approved by the governor or by statute.

28 The bill requires the department to annually conduct an
29 inventory of and categorize the data collected on students
30 and the purposes for which the data is collected, and report
31 its findings and recommendations to the general assembly by
32 November 1, 2019, and by November 1 each succeeding year.

33 The bill prohibits, except as otherwise provided, the
34 department, school districts, and accredited nonpublic schools
35 from including in student data files certain information

1 regarding biometric and psychometric data and certain
2 information concerning the student's or the student's family.

3 Student data must be kept confidential unless otherwise
4 ordered by a court, by the lawful custodian of the records, or
5 by another person duly authorized to release such information.
6 Student data may be provided outside of the state if necessary
7 to facilitate the timely enrollment and placement of a student
8 who is transferring to an out-of-state school.

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

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

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

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