HOUSE BILL No. 1320

———

DIGEST OF HB 1320 (Updated January 30, 2014 2:43 pm - DI 116)

Citations Affected: IC 20-18; IC 20-19; IC 20-33; IC 35-51.

Synopsis: Student records. Requires the department of education to establish a statewide student record repository of public school student achievement records to provide: (1) access to relevant student records to parents and school corporations; (2) for the transfer of student records between school corporations; and (3) a student data backup for school corporations. Prohibits an agency from releasing, selling, or otherwise transferring student information to the federal government or another entity unless all identifying information concerning students has been redacted or the general assembly has enacted legislation expressly authorizing the release, sale, or transfer. Provides that a violation is a Class A misdemeanor (up to one year imprisonment and a $5,000 fine).

Effective: July 1, 2014.

Behning

January 15, 2014, read first time and referred to Committee on Education.
January 28, 2014, amended, reported — Do Pass.
January 30, 2014, read second time, amended, ordered engrossed.

HB 1320—LS 6895/DI 71

HOUSE BILL No. 1320

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1   SECTION 1. IC 20-18-2-16, AS AMENDED BY P.L.190-2013,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 16. (a) "School corporation", for purposes of this
4 title (except IC 20-20-33, IC 20-26-1 through IC 20-26-5, IC 20-26-7,
5 IC 20-28-11.5, IC 20-30-8, **IC 20-33-7.5,** and IC 20-43), means a
6 public school corporation established by Indiana law. The term
7 includes a:
8   (1) school city;
9   (2) school town;
10   (3) school township;
11   (4) consolidated school corporation;
12   (5) metropolitan school district;
13   (6) township school corporation;
14   (7) county school corporation;
15   (8) united school corporation; or
16   (9) community school corporation.

HB 1320—LS 6895/DI 71

1   (b) "School corporation", for purposes of IC 20-26-1 through
2   IC 20-26-5 and IC 20-26-7, has the meaning set forth in IC 20-26-2-4.
3   (c) "School corporation", for purposes of IC 20-20-33, IC 20-26-18,
4   and IC 20-30-8, includes a charter school (as defined in IC 20-24-1-4).
5   (d) "School corporation", for purposes of IC 20-43, has the meaning
6   set forth in IC 20-43-1-23.
7   (e) "School corporation", for purposes of IC 20-28-11.5, has the
8   meaning set forth in IC 20-28-11.5-3.
9   **(f) "School corporation", for purposes of IC 20-33-7.5, has the**
10   **meaning set forth in IC 20-33-7.5-3.**
11   SECTION 2. IC 20-19-7 IS ADDED TO THE INDIANA CODE AS
12   A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
13   1, 2014]:
14   **Chapter 7. Transfer of Student Information**
15   **Sec. 1. This chapter does not apply to the transfer of an**
16   **individual student's education records by a school or school**
17   **corporation to:**
18   **(1) a school or postsecondary educational institution in which**
19   **the student seeks to enroll; or**
20   **(2) an employer;**
21   **with the written permission of the student's parent or the student,**
22   **if the student is at least eighteen (18) years of age or emancipated.**
23   **Sec. 2. As used in this chapter, "agency" refers to the**
24   **department, the state board, or any other entity created by statute**
25   **or executive order that collects, maintains, receives, or stores**
26   **student information.**
27   **Sec. 3. As used in this chapter, "student information" means any**
28   **data collected, maintained, received, or stored by an agency in**
29   **which an individual student or an individual student's family is**
30   **identified by name, by an assigned identification number, or in any**
31   **manner by which the identity of an individual student or an**
32   **individual student's family may be ascertained.**
33   **Sec. 4. An agency may not release, sell, or otherwise transfer**
34   **student information to the federal government or any other entity**
35   **unless:**
36   **(1) all identifying information concerning each student and**
37   **each student's family has been redacted; or**
38   **(2) the general assembly has enacted legislation giving express**
39   **approval of the release, sale, or transfer of the student**
40   **information.**
41   **Sec. 5. A person who recklessly, knowingly, or intentionally**
42   **violates section 4 of this chapter commits a Class A misdemeanor.**

1   SECTION 3. IC 20-33-7.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]:
4   **Chapter 7.5. Access to Student Records**
5   **Sec. 1. This chapter applies:**
6   **(1) after June 30, 2015; and**
7   **(2) only if the general assembly makes an appropriation to the**
8   **department necessary for the department to carry out the**
9   **department's duties and responsibilities under this chapter.**
10   **Sec. 2. As used in this chapter, "authorized user" means a**
11 **teacher or other person who is:**
12   **(1) employed by a school corporation; and**
13   **(2) authorized to access data in a student achievement record**
14   **through the student record repository.**
15   **Sec. 3. As used in this chapter, "school corporation" includes a**
16 **public school corporation, a charter school, the Indiana School for**
17 **the Blind and Visually Impaired, and the Indiana School for the**
18 **Deaf.**
19   **Sec. 4. As used in this chapter, "student achievement record"**
20 **means a complete profile of learning for a student in kindergarten**
21 **through grade 12 that:**
22   **(1) is in an electronic format;**
23   **(2) contains student records from each grade and each school**
24   **the student attends; and**
25   **(3) is accessible by the student's parent or an authorized user.**
26   **Sec. 5. As used in this chapter, "student record repository"**
27 **refers to the data bank of student data collected from school**
28 **corporations as a part of the state's longitudinal data system that**
29 **is managed by the department and is accessible to authorized users**
30 **through an Internet browser.**
31   **Sec. 6. (a) The department shall use a comprehensive data**
32 **collection system that is maintained by the department and collects**
33 **longitudinal student transcript data with unique student identifiers**
34 **from school corporations to allow access to a student's achievement**
35 **record by the following:**
36   **(1) The student's parent.**
37   **(2) Each school corporation that provides instruction to the**
38   **student.**
39   **(b) The department shall ensure that a student achievement**
40 **record:**
41   **(1) provides a uniform, transparent reporting mechanism for**
42   **individual student progress;**

HB 1320—LS 6895/DI 71

(2) provides a complete student history for postsecondary planning;

(3) provides a teacher with information about a student's complete profile to better inform instruction and individualize education;

(4) assists a teacher or an administrator in ascertaining a student's learning needs through the use of data already collected;

(5) facilitates a student's parent's ability to take an active role in the student's education by simplifying access to the student's achievement record; and

(6) serves as a data backup for a school corporation as part of the school corporation's disaster recovery plan.

Sec. 7. (a) Using existing data collected and maintained in the comprehensive data collection system by the department, the department shall create the student record repository, from which an authorized user may:

(1) access data in a student achievement record that is relevant to the authorized user's school corporation or a school within the school corporation; or

(2) request student records to be transferred from one (1) school corporation to another school corporation.

(b) A student's parent may access the student's achievement record or request that the student's records be transferred from the school corporation attended by the student to another school corporation by signing a form prescribed by the department.

Sec. 8. The department shall implement security measures to ensure that:

(1) student data stored in or transmitted to or from the student record repository is secure and confidential as required under the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; and

(2) an authorized user may access only student data that is relevant to the authorized user's school corporation or school.

Sec. 9. (a) Not later than June 30, 2015, the department shall ensure that an authorized user is able to access or request to transfer from one (1) school corporation to another school corporation the following data from a student's achievement record:

(1) Student demographics.

(2) Course grades.

(3) Course history.

(4) ISTEP assessment results.
(b) Not later than June 30, 2015, the department shall ensure
that an authorized user is able to access or request to transfer from
one (1) school corporation to another school corporation the
following data from a student's achievement record in addition to
the student data set forth in subsection (a):
    (1) Attendance.
    (2) The name and qualifications, including years of
    experience, degree, license, and endorsements, of the student's
    teacher for each class or course the student takes.
    (3) Results of any formative, interim, and summative
    computer adaptive assessments administered to the student.
    (4) Detailed data demonstrating the student's mastery of core
    standards and objectives as measured by computer adaptive
    assessments.
    (5) The student's writing sample written for an online writing
    assessment.
    (6) A student's growth score from the ISTEP assessment.
    (7) The category or designation under IC 20-31-8 in which the
    school the student attends is placed.
    (8) The student's reading level at the end of grade 3.
(c) Not later than June 30, 2017, the department shall ensure
that the data stored in the student record repository for a school
corporation's student achievement records are:
    (1) integrated with the school corporation's student
    information system; and
    (2) available to a student's parent and an authorized user in
    an easily accessible viewing format.
Sec. 10. A student's parent may request the student's
achievement record from the school corporation or school in which
the student is enrolled.
Sec. 11. The department shall adopt rules under IC 4-22-2 to
carry out this chapter.
SECTION 4. IC 35-51-20-1, AS ADDED BY P.L.70-2011,
SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 20:
    IC 20-19-7-5 (Concerning the transfer of student
    information).
    IC 20-27-3-8 (Concerning school transportation).
    IC 20-27-5-33 (Concerning school transportation).
    IC 20-27-6-8 (Concerning school transportation).
    IC 20-27-7-19 (Concerning school transportation).

1	IC 20-27-8-3 (Concerning school transportation).
2	IC 20-27-8-16 (Concerning school transportation).
3	IC 20-27-9-17 (Concerning school transportation).
4	IC 20-27-10-4 (Concerning school transportation).
5	IC 20-33-2-44 (Concerning compulsory school attendance).

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1320, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 10, delete "IC 20-33-7.5-2."and insert "**IC 20-33-7.5-3.**".

Page 2, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 2. IC 20-19-7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 7. Transfer of Student Information

Sec. 1. This chapter does not apply to the transfer of an individual student's education records by a school or school corporation to:

> **(1) a school or postsecondary educational institution in which the student seeks to enroll; or**
>
> **(2) an employer;**

with the written permission of the student's parent or the student, if the student is at least eighteen (18) years of age or emancipated.

Sec. 2. As used in this chapter, "agency" refers to the department, the state board, or any other entity created by statute or executive order that collects, maintains, receives, or stores student information.

Sec. 3. As used in this chapter, "student information" means any data collected, maintained, received, or stored by an agency in which an individual student or an individual student's family is identified by name, by an assigned identification number, or in any manner by which the identity of an individual student or an individual student's family may be ascertained.

Sec. 4. An agency may not release, sell, or otherwise transfer student information to the federal government or any other entity unless:

> **(1) all identifying information concerning each student and each student's family has been redacted; or**
>
> **(2) the general assembly has enacted legislation giving express approval of the release, sale, or transfer of the student information.**

Sec. 5. A person who recklessly, knowingly, or intentionally violates section 4 of this chapter commits a Class A misdemeanor.".

Page 2, between lines 14 and 15, begin a new paragraph and insert:

"**Sec. 1. This chapter applies after June 30, 2015.**".

HB 1320—LS 6895/DI 71

Page 2, line 15, delete "1." and insert "**2.**".
Page 2, line 20, delete "2." and insert "**3.**".
Page 2, line 24, delete "3." and insert "**4.**".
Page 2, line 31, delete "4." and insert "**5.**".
Page 2, line 36, delete "5." and insert "**6.**".
Page 2, line 36, delete "state board" and insert "**department**".
Page 3, line 2, delete "state board" and insert "**department**".
Page 3, line 19, delete "6." and insert "**7. (a)**".
Page 3, line 20, delete "state" and insert "**department**".
Page 3, line 21, delete "board".
Page 3, between lines 27 and 28, begin a new paragraph and insert:
"**(b) A student's parent may access the student's achievement record or request that the student's records be transferred from the school corporation attended by the student to another school corporation by signing a form prescribed by the department.**".
Page 3, line 28, delete "7." and insert "**8.**".
Page 3, line 28, delete "state board" and insert "**department**".
Page 3, line 36, delete "8." and insert "**9.**".
Page 3, line 36, delete "state board" and insert "**department**".
Page 4, line 3, delete "state board" and insert "**department**".
Page 4, line 23, delete "state board" and insert "**department**".
Page 4, line 30, delete "9." and insert "**10.**".
Page 4, line 33, delete "10." and insert "**11.**".
Page 4, line 33, delete "state board" and insert "**department**".
Page 4, after line 34, begin a new paragraph and insert:
"SECTION 4. IC 35-51-20-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 20:
IC 20-19-7-5 (Concerning the transfer of student information).
IC 20-27-3-8 (Concerning school transportation).
IC 20-27-5-33 (Concerning school transportation).
IC 20-27-6-8 (Concerning school transportation).
IC 20-27-7-19 (Concerning school transportation).

IC 20-27-8-3 (Concerning school transportation).
IC 20-27-8-16 (Concerning school transportation).
IC 20-27-9-17 (Concerning school transportation).
IC 20-27-10-4 (Concerning school transportation).
IC 20-33-2-44 (Concerning compulsory school attendance).".
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1320 as introduced.)

BEHNING, Chair

Committee Vote: yeas 10, nays 2.

————

HOUSE MOTION

Mr. Speaker: I move that House Bill 1320 be amended to read as follows:

Page 3, delete line 5, begin a new paragraph and insert:

"**Sec. 1. This chapter applies:**
(1) after June 30, 2015; and
(2) only if the general assembly makes an appropriation to the department necessary for the department to carry out the department's duties and responsibilities under this chapter.".

(Reference is to HB 1320 as printed January 28, 2014.)

BATTLES

HB 1320—LS 6895/DI 71