



January 28, 2014

HOUSE BILL No. 1320

DIGEST OF HB 1320 (Updated January 28, 2014 11:02 am - 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.

HB 1320—LS 6895/DI 71



January 28, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

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.

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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 after June 30, 2015.**

6 **Sec. 2. As used in this chapter, "authorized user" means a**
7 **teacher or other person who is:**

- 8 (1) **employed by a school corporation; and**
9 (2) **authorized to access data in a student achievement record**
10 **through the student record repository.**

11 **Sec. 3. As used in this chapter, "school corporation" includes a**
12 **public school corporation, a charter school, the Indiana School for**
13 **the Blind and Visually Impaired, and the Indiana School for the**
14 **Deaf.**

15 **Sec. 4. As used in this chapter, "student achievement record"**
16 **means a complete profile of learning for a student in kindergarten**
17 **through grade 12 that:**

- 18 (1) **is in an electronic format;**
19 (2) **contains student records from each grade and each school**
20 **the student attends; and**
21 (3) **is accessible by the student's parent or an authorized user.**

22 **Sec. 5. As used in this chapter, "student record repository"**
23 **refers to the data bank of student data collected from school**
24 **corporations as a part of the state's longitudinal data system that**
25 **is managed by the department and is accessible to authorized users**
26 **through an Internet browser.**

27 **Sec. 6. (a) The department shall use a comprehensive data**
28 **collection system that is maintained by the department and collects**
29 **longitudinal student transcript data with unique student identifiers**
30 **from school corporations to allow access to a student's achievement**
31 **record by the following:**

- 32 (1) **The student's parent.**
33 (2) **Each school corporation that provides instruction to the**
34 **student.**

35 **(b) The department shall ensure that a student achievement**
36 **record:**

- 37 (1) **provides a uniform, transparent reporting mechanism for**
38 **individual student progress;**
39 (2) **provides a complete student history for postsecondary**
40 **planning;**
41 (3) **provides a teacher with information about a student's**
42 **complete profile to better inform instruction and individualize**



1 education;

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

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

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

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

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

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

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

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

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

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

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

36 (1) Student demographics.

37 (2) Course grades.

38 (3) Course history.

39 (4) ISTEP assessment results.

40 (b) Not later than June 30, 2015, the department shall ensure
41 that an authorized user is able to access or request to transfer from
42 one (1) school corporation to another school corporation the



1 following data from a student's achievement record in addition to
 2 the student data set forth in subsection (a):

3 (1) Attendance.

4 (2) The name and qualifications, including years of
 5 experience, degree, license, and endorsements, of the student's
 6 teacher for each class or course the student takes.

7 (3) Results of any formative, interim, and summative
 8 computer adaptive assessments administered to the student.

9 (4) Detailed data demonstrating the student's mastery of core
 10 standards and objectives as measured by computer adaptive
 11 assessments.

12 (5) The student's writing sample written for an online writing
 13 assessment.

14 (6) A student's growth score from the ISTEP assessment.

15 (7) The category or designation under IC 20-31-8 in which the
 16 school the student attends is placed.

17 (8) The student's reading level at the end of grade 3.

18 (c) Not later than June 30, 2017, the department shall ensure
 19 that the data stored in the student record repository for a school
 20 corporation's student achievement records are:

21 (1) integrated with the school corporation's student
 22 information system; and

23 (2) available to a student's parent and an authorized user in
 24 an easily accessible viewing format.

25 **Sec. 10.** A student's parent may request the student's
 26 achievement record from the school corporation or school in which
 27 the student is enrolled.

28 **Sec. 11.** The department shall adopt rules under IC 4-22-2 to
 29 carry out this chapter.

30 SECTION 4. IC 35-51-20-1, AS ADDED BY P.L.70-2011,
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 20:

33 **IC 20-19-7-5 (Concerning the transfer of student
 34 information).**

35 IC 20-27-3-8 (Concerning school transportation).

36 IC 20-27-5-33 (Concerning school transportation).

37 IC 20-27-6-8 (Concerning school transportation).

38 IC 20-27-7-19 (Concerning school transportation).

39 IC 20-27-8-3 (Concerning school transportation).

40 IC 20-27-8-16 (Concerning school transportation).

41 IC 20-27-9-17 (Concerning school transportation).

42 IC 20-27-10-4 (Concerning school transportation).



1 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.**".



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.

