

Senator Howard A. Stephenson proposes the following substitute bill:

STUDENT PRIVACY STUDY

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

Senate Sponsor: Howard A. Stephenson

LONG TITLE

General Description:

This bill requires the State Board of Education to develop a student privacy funding proposal and make recommendations to the Legislature.

Highlighted Provisions:

This bill:

- ▶ requires the State Board of Education to develop a funding proposal and make recommendations to the Legislature on how the State Board of Education and the Legislature can update student privacy laws in statute and in board rule;
- ▶ requires the State Board of Education to designate a chief privacy officer; and
- ▶ requires the State Board of Education and the chief privacy officer to report to the Public Education Appropriations Subcommittee.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2016:

- ▶ to the State Board of Education - State Office of Education - Assessment and Accountability, as an ongoing appropriation:
 - from the Education Fund, \$180,000; and
- ▶ to the State Board of Education - State Office of Education - Assessment and Accountability, as a one-time appropriation:



- from the Education Fund, One-time, \$5,000.

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

53A-1-710, Utah Code Annotated 1953



Be it enacted by the Legislature of the state of Utah:

Section 1. Section 53A-1-710 is enacted to read:

53A-1-710. State Board of Education student privacy study -- Chief privacy officer.

(1) For purposes of this section:

(a) "Board" means the State Board of Education.

(b) "Chief privacy officer" means the chief privacy officer designated by the board in Subsection (4).

(c) "Education entity" means:

(i) the board;

(ii) a local school board or charter school governing board;

(iii) a school district;

(iv) a public school; or

(v) the Utah Schools for the Deaf and the Blind.

(d) "Third party service provider" means a person, other than an education entity, that:

(i) enters into a contract or written agreement with an education entity to provide a service or product; and

(ii) receives student data from the education entity pursuant to the contract or written agreement.

(2) (a) The board shall develop a funding proposal and make recommendations to the Legislature on how the board and the Legislature can update student privacy laws in statute and in board rule.

(b) The board shall consider input from education entities, parents, and other stakeholders as the board develops the funding proposal and recommendations described in

57 Subsection (2)(a).

58 (3) The board shall consider the following issues as the board develops the funding
59 proposal and recommendations described in Subsection (2)(a):

60 (a) how an education entity can better maintain, secure, and safeguard student data,
61 including using industry best practices to maintain, secure, and safeguard the student data;

62 (b) how to provide disclosures to parents and students on how student data will be
63 collected, maintained, and used;

64 (c) the process to release student data to an education entity or to a person, including to
65 the following:

66 (i) another education entity;

67 (ii) a government entity:

68 (A) within the state; or

69 (B) outside of the state; and

70 (iii) a private third party;

71 (d) how to allow a student to expunge the student's data;

72 (e) how to manage a contract with a third party service provider to ensure that a
73 contract entered into between an education entity and a third party service provider includes:

74 (i) provisions requiring specific restrictions on the use of student data;

75 (ii) specific dates governing the destruction of student data given to a third party
76 service provider;

77 (iii) provisions that prohibit a third party service provider from using personally
78 identifiable information for a secondary use, including sales, marketing, or advertising;

79 (iv) provisions limiting a third party service provider's use of student data strictly for
80 the purpose of providing services to the education entity; and

81 (v) provisions requiring a third party service provider to maintain, secure, and
82 safeguard all student data by using industry best practices to maintain, secure, and safeguard
83 the student data; and

84 (f) the penalties for:

85 (i) an unauthorized release of student data; or

86 (ii) failing to maintain, secure, and safeguard student data.

87 (4) (a) The board shall designate a chief privacy officer.

88 (b) The chief privacy officer shall:
 89 (i) oversee the administration of student privacy laws; and
 90 (ii) work with the board to develop the funding proposal and recommendations
 91 described in Subsection (2)(a).

92 (5) On or before January 31, 2016, the board and the chief privacy officer shall present
 93 the funding proposal and recommendations described in Subsection (2)(a) to the Public
 94 Education Appropriations Subcommittee.

95 **Section 2. Appropriation.**

96 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
 97 the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following sums of money
 98 are appropriated from resources not otherwise appropriated, or reduced from amounts
 99 previously appropriated, out of the funds or accounts indicated. These sums of money are in
 100 addition to any amounts previously appropriated for fiscal year 2016.

101 To State Board of Education - State Office of Education - Assessment and
 102 Accountability

103	<u>From Education Fund</u>	<u>\$180,000</u>
104	<u>From Education Fund, One-time</u>	<u>\$5,000</u>
105	<u>Schedule of Programs:</u>	
106	<u>Assessment and Accountability</u>	<u>\$185,000</u>

107 The Legislature intends that:

108 (1) the State Board of Education use the appropriation under this section as described
 109 in Section 53A-1-710; and

110 (2) \$180,000 of the appropriation under this section be:

111 (a) ongoing; and

112 (b) non-lapsing.

113 **Section 3. Effective date.**

114 (1) Except as provided in Subsection (2), this bill takes effect on May 12, 2015.

115 (2) Uncodified Section 2, Appropriation, takes effect on July 1, 2015.