

REFERENCE TITLE: schools; local control; student privacy

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2316

Introduced by
Representatives Pierce J, Forese

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-105; RELATING TO LOCAL EDUCATION CONTROL AND STUDENT PRIVACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 15-105, to read:

4 15-105. Protection of local education control and student
5 privacy rights

6 NOTWITHSTANDING ANY OTHER LAW:

7 1. THE STATE BOARD OF EDUCATION, THE SUPERINTENDENT OF PUBLIC
8 INSTRUCTION AND THE DEPARTMENT OF EDUCATION SHALL NOT ADOPT ANY EDUCATIONAL
9 STANDARDS, CURRICULA OR INSTRUCTIONAL APPROACHES THAT MAY BE MANDATED BY THE
10 FEDERAL GOVERNMENT.

11 2. THE DEPARTMENT OF EDUCATION SHALL NOT APPLY FOR ANY FEDERAL GRANT
12 THAT REQUIRES, AS A CONDITION OF APPLICATION, THE ADOPTION OF ANY FEDERALLY
13 DEVELOPED EDUCATIONAL STANDARDS, CURRICULA OR INSTRUCTIONAL APPROACHES.

14 3. CONSISTENT WITH THE LAWS OF THIS STATE, THE DEPARTMENT OF EDUCATION
15 MAY PROVIDE GUIDANCE AND TECHNICAL ASSISTANCE TO SCHOOLS, BUT MAY NOT REQUIRE
16 THE ADOPTION OF SPECIFIC CURRICULA OR INSTRUCTIONAL APPROACHES.

17 4. ANY CHANGES TO THE STATE ACADEMIC STANDARDS MUST BE DONE THROUGH A
18 TRANSPARENT PUBLIC RULEMAKING PROCESS THAT ALLOWS THE PEOPLE OF THIS STATE
19 AMPLE TIME AND OPPORTUNITY TO REVIEW PROPOSED CHANGES AND PROVIDE FEEDBACK.
20 THE STATE BOARD OF EDUCATION SHALL ENSURE THAT ANY PROPOSED CHANGES TO THE
21 STATE ACADEMIC STANDARDS ARE POSTED FOR PUBLIC REVIEW AND COMMENT ON ITS
22 WEBSITE AT LEAST SIXTY DAYS BEFORE ANY PUBLIC MEETING AT WHICH THE STATE
23 BOARD CONSIDERS PROPOSED CHANGES. ANY PUBLIC COMMENTS RECEIVED BY THE STATE
24 BOARD DURING THE SIXTY-DAY PERIOD SHALL BE POSTED ON ITS WEBSITE BEFORE ANY
25 PUBLIC MEETING AT WHICH THE STATE BOARD CONSIDERS PROPOSED CHANGES.

26 5. SCHOOL DISTRICTS, CHARTER SCHOOLS, THE STATE BOARD OF EDUCATION,
27 THE DEPARTMENT OF EDUCATION AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION MUST
28 COLLECT STUDENT DATA IN A MANNER CONSISTENT WITH STATE AND FEDERAL LAWS THAT
29 ARE DESIGNED TO PROTECT STUDENT PRIVACY. PERSONALLY IDENTIFIABLE INFORMATION
30 SHALL NOT BE COLLECTED, TRACKED, STORED, REPORTED OR SHARED WITH THE FEDERAL
31 GOVERNMENT OR PROVIDED TO PRIVATE VENDORS FOR THE PURPOSE OF MARKETING OR
32 BUSINESS DEVELOPMENT WITH RESPECT TO A STUDENT'S OR THE STUDENT'S FAMILY'S:

- 33 (a) RELIGION.
- 34 (b) POLITICAL PARTY AFFILIATION.
- 35 (c) PSYCHOMETRIC INFORMATION.
- 36 (d) BIOMETRIC INFORMATION.
- 37 (e) VOTING HISTORY.

38 6. ANY STANDARDIZED TEST THAT IS ADMINISTERED IN ANY PUBLIC PRESCHOOL,
39 ELEMENTARY SCHOOL, MIDDLE SCHOOL, JUNIOR HIGH SCHOOL OR HIGH SCHOOL IN THIS
40 STATE SHALL NOT INCLUDE SUBJECT MATTER IN ITS QUESTIONS OR PROBLEMS THAT IS
41 CONTRARY TO THE LAWS OF THIS STATE OR THAT IS CONTRARY TO GENERALLY ACCEPTED
42 MORAL, CIVIC AND ETHICAL VALUES.

1 Sec. 2. Intent
2 The legislature finds and declares that:
3 1. In this state, the ultimate goal with respect to its schools is
4 that the schools will enable students to gain the knowledge necessary for
5 postsecondary education, careers, citizenship and the military.
6 2. Rigorous state standards that detail expected learning outcomes for
7 students are essential if this state is to meet the goal prescribed in
8 paragraph 1 of this section.
9 3. The adoption of state standards for learning outcomes should be
10 done in an open, transparent way that includes ample opportunity for public
11 review and comment.
12 4. The federal government has no constitutional authority to set
13 learning standards in this state or to determine how the children of this
14 state or any other state will be educated.
15 5. The constitution of the state of Arizona specifically states that
16 "the general conduct and supervision of the public school system shall be
17 vested in a state board of education, a state superintendent of public
18 instruction, county school superintendents, and such governing boards for the
19 state institutions as may be provided by law".
20 6. It is therefore the right of local governing boards to develop or
21 adopt, or both, curricula and instructional approaches that are consistent
22 with the state learning standards.
23 7. The protection of student and family privacy is a fundamental right
24 of all people in this state.