

State of Arizona  
Senate  
Fifty-second Legislature  
First Regular Session  
2015

# SENATE BILL 1306

AN ACT

AMENDING SECTIONS 15-185, 15-249.01 AND 15-874, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 9, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1041.01; AMENDING SECTIONS 15-1042 AND 15-1043, ARIZONA REVISED STATUTES; REPEALING SECTION 15-1044, ARIZONA REVISED STATUTES; AMENDING SECTION 15-1045, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 9, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1046; REPEALING SECTION 41-3016.23, ARIZONA REVISED STATUTES; RELATING TO STUDENT DATA.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-185, Arizona Revised Statutes, is amended to  
3 read:

4 15-185. Charter schools; financing; civil penalty;  
5 transportation; definitions

6 A. Financial provisions for a charter school that is sponsored by a  
7 school district governing board are as follows:

8 1. The charter school shall be included in the district's budget and  
9 financial assistance calculations pursuant to paragraph 3 of this subsection  
10 and chapter 9 of this title, except for chapter 9, article 4 of this title.  
11 The charter of the charter school shall include a description of the methods  
12 of funding the charter school by the school district. The school district  
13 shall send a copy of the charter and application, including a description of  
14 how the school district plans to fund the school, to the state board of  
15 education before the start of the first fiscal year of operation of the  
16 charter school. The charter or application shall include an estimate of the  
17 student count for the charter school for its first fiscal year of operation.  
18 This estimate shall be computed pursuant to the requirements of paragraph 3  
19 of this subsection.

20 2. A school district is not financially responsible for any charter  
21 school that is sponsored by the state board of education, the state board for  
22 charter schools, a university under the jurisdiction of the Arizona board of  
23 regents, a community college district or a group of community college  
24 districts.

25 3. A school district that sponsors a charter school may:

26 (a) Increase its student count as provided in subsection B, paragraph  
27 2 of this section during the first year of the charter school's operation to  
28 include those charter school pupils who were not previously enrolled in the  
29 school district. A charter school sponsored by a school district governing  
30 board is eligible for the charter additional assistance prescribed in  
31 subsection B, paragraph 4 of this section. The district additional  
32 assistance allocation as provided in section 15-961 for the school district  
33 sponsoring the charter school shall be increased by the amount of the charter  
34 additional assistance. The school district shall include the full amount of  
35 the charter additional assistance in the funding provided to the charter  
36 school.

37 (b) Compute separate weighted student counts pursuant to section  
38 15-943, paragraph 2, subdivision (a) for its noncharter school versus charter  
39 school pupils in order to maintain eligibility for small school district  
40 support level weights authorized in section 15-943, paragraph 1 for its  
41 noncharter school pupils only. The portion of a district's student count  
42 that is attributable to charter school pupils is not eligible for small  
43 school district support level weights.

44 4. If a school district uses the provisions of paragraph 3 of this  
45 subsection, the school district is not eligible to include those pupils in

1 its student count for the purposes of computing an increase in its revenue  
2 control limit and district support level as provided in section 15-948.

3 5. A school district that sponsors a charter school is not eligible to  
4 include the charter school pupils in its student count for the purpose of  
5 computing an increase in its district additional assistance as provided in  
6 section 15-961, subsection B, except that if the charter school was  
7 previously a school in the district, the district may include in its student  
8 count any charter school pupils who were enrolled in the school district in  
9 the prior year.

10 6. A school district that sponsors a charter school is not eligible to  
11 include the charter school pupils in its student count for the purpose of  
12 computing the revenue control limit which is used to determine the maximum  
13 budget increase as provided in chapter 4, article 4 of this title unless the  
14 charter school is located within the boundaries of the school district.

15 7. If a school district converts one or more of its district public  
16 schools to a charter school and receives assistance as prescribed in  
17 subsection B, paragraph 4 of this section, and subsequently converts the  
18 charter school back to a district public school, the school district shall  
19 repay the state the total charter additional assistance received for the  
20 charter school for all years that the charter school was in operation. The  
21 repayment shall be in one lump sum and shall be reduced from the school  
22 district's current year equalization assistance. The school district's  
23 general budget limit shall be reduced by the same lump sum amount in the  
24 current year.

25 B. Financial provisions for a charter school that is sponsored by the  
26 state board of education, the state board for charter schools, a university,  
27 a community college district or a group of community college districts are as  
28 follows:

29 1. The charter school shall calculate a base support level as  
30 prescribed in section 15-943, except that section 15-941 does not apply to  
31 these charter schools.

32 2. Notwithstanding paragraph 1 of this subsection, the student count  
33 shall be determined initially using an estimated student count based on  
34 actual registration of pupils before the beginning of the school year.  
35 Notwithstanding section 15-1042, subsection ~~F~~ E, student level data  
36 submitted to the department may be used to determine estimated student  
37 counts. After the first forty days, one hundred days or two hundred days in  
38 session, as applicable, the charter school shall revise the student count to  
39 be equal to the actual average daily membership, as defined in section  
40 15-901, of the charter school. Before the fortieth day, one hundredth day or  
41 two hundredth day in session, as applicable, the state board of education,  
42 the state board for charter schools, the sponsoring university, the  
43 sponsoring community college district or the sponsoring group of community  
44 college districts may require a charter school to report periodically  
45 regarding pupil enrollment and attendance, and the department of education

1 may revise its computation of equalization assistance based on the report. A  
2 charter school shall revise its student count, base support level and charter  
3 additional assistance before May 15. A charter school that overestimated its  
4 student count shall revise its budget before May 15. A charter school that  
5 underestimated its student count may revise its budget before May 15.

6 3. A charter school may utilize section 15-855 for the purposes of  
7 this section. The charter school and the department of education shall  
8 prescribe procedures for determining average daily membership.

9 4. Equalization assistance for the charter school shall be determined  
10 by adding the amount of the base support level and charter additional  
11 assistance. The amount of the charter additional assistance is one thousand  
12 seven hundred seven dollars seventy-seven cents per student count in  
13 preschool programs for children with disabilities, kindergarten programs and  
14 grades one through eight and one thousand nine hundred ninety dollars  
15 thirty-eight cents per student count in grades nine through twelve.

16 5. The state board of education shall apportion state aid from the  
17 appropriations made for such purposes to the state treasurer for disbursement  
18 to the charter schools in each county in an amount as determined by this  
19 paragraph. The apportionments shall be made as prescribed in section 15-973,  
20 subsection B.

21 6. The charter school shall not charge tuition for pupils who reside  
22 in this state, levy taxes or issue bonds. A charter school may admit pupils  
23 who are not residents of this state and shall charge tuition for those pupils  
24 in the same manner prescribed in section 15-823.

25 7. Not later than noon on the day preceding each apportionment date  
26 established by paragraph 5 of this subsection, the superintendent of public  
27 instruction shall furnish to the state treasurer an abstract of the  
28 apportionment and shall certify the apportionment to the department of  
29 administration, which shall draw its warrant in favor of the charter schools  
30 for the amount apportioned.

31 C. If a pupil is enrolled in both a charter school and a public school  
32 that is not a charter school, the sum of the daily membership, which includes  
33 enrollment as prescribed in section 15-901, subsection A, paragraph 1,  
34 subdivisions (a) and (b) and daily attendance as prescribed in section  
35 15-901, subsection A, paragraph 5, for that pupil in the school district and  
36 the charter school shall not exceed 1.0. If a pupil is enrolled in both a  
37 charter school and a public school that is not a charter school, the  
38 department of education shall direct the average daily membership to the  
39 school with the most recent enrollment date. On validation of actual  
40 enrollment in both a charter school and a public school that is not a charter  
41 school and if the sum of the daily membership or daily attendance for that  
42 pupil is greater than 1.0, the sum shall be reduced to 1.0 and shall be  
43 apportioned between the public school and the charter school based on the  
44 percentage of total time that the pupil is enrolled or in attendance in the  
45 public school and the charter school. The uniform system of financial

1 records shall include guidelines for the apportionment of the pupil  
2 enrollment and attendance as provided in this section.

3 D. Charter schools are allowed to accept grants and gifts to  
4 supplement their state funding, but it is not the intent of the charter  
5 school law to require taxpayers to pay twice to educate the same pupils. The  
6 base support level for a charter school or for a school district sponsoring a  
7 charter school shall be reduced by an amount equal to the total amount of  
8 monies received by a charter school from a federal or state agency if the  
9 federal or state monies are intended for the basic maintenance and operations  
10 of the school. The superintendent of public instruction shall estimate the  
11 amount of the reduction for the budget year and shall revise the reduction to  
12 reflect the actual amount before May 15 of the current year. If the  
13 reduction results in a negative amount, the negative amount shall be used in  
14 computing all budget limits and equalization assistance, except that:

15 1. Equalization assistance shall not be less than zero.

16 2. For a charter school sponsored by the state board of education, the  
17 state board for charter schools, a university, a community college district  
18 or a group of community college districts, the total of the base support  
19 level and the charter additional assistance shall not be less than zero.

20 3. For a charter school sponsored by a school district, the base  
21 support level for the school district shall not be reduced by more than the  
22 amount that the charter school increased the district's base support level  
23 and district additional assistance allocation.

24 E. If a charter school was a district public school in the prior year  
25 and is now being operated for or by the same school district and sponsored by  
26 the state board of education, the state board for charter schools, a  
27 university, a community college district, a group of community college  
28 districts or a school district governing board, the reduction in subsection D  
29 of this section applies. The reduction to the base support level of the  
30 charter school or the sponsoring district of the charter school shall equal  
31 the sum of the base support level and the charter additional assistance  
32 received in the current year for those pupils who were enrolled in the  
33 traditional public school in the prior year and are now enrolled in the  
34 charter school in the current year.

35 F. Equalization assistance for charter schools shall be provided as a  
36 single amount based on average daily membership without categorical  
37 distinctions between maintenance and operations or capital.

38 G. At the request of a charter school, the county school  
39 superintendent of the county where the charter school is located may provide  
40 the same educational services to the charter school as prescribed in section  
41 15-308, subsection A. The county school superintendent may charge a fee to  
42 recover costs for providing educational services to charter schools.

43 H. If the sponsor of the charter school determines at a public meeting  
44 that the charter school is not in compliance with federal law, with the laws  
45 of this state or with its charter, the sponsor of a charter school may submit

1 a request to the department of education to withhold up to ten ~~per cent~~  
2 PERCENT of the monthly apportionment of state aid that would otherwise be due  
3 the charter school. The department of education shall adjust the charter  
4 school's apportionment accordingly. The sponsor shall provide written notice  
5 to the charter school at least seventy-two hours before the meeting and shall  
6 allow the charter school to respond to the allegations of noncompliance at  
7 the meeting before the sponsor makes a final determination to notify the  
8 department of education of noncompliance. The charter school shall submit a  
9 corrective action plan to the sponsor on a date specified by the sponsor at  
10 the meeting. The corrective action plan shall be designed to correct  
11 deficiencies at the charter school and to ensure that the charter school  
12 promptly returns to compliance. When the sponsor determines that the charter  
13 school is in compliance, the department of education shall restore the full  
14 amount of state aid payments to the charter school.

15 I. In addition to the withholding of state aid payments pursuant to  
16 subsection H of this section, the sponsor of a charter school may impose a  
17 civil penalty of one thousand dollars per occurrence if a charter school  
18 fails to comply with the fingerprinting requirements prescribed in section  
19 15-183, subsection C or section 15-512. The sponsor of a charter school  
20 shall not impose a civil penalty if it is the first time that a charter  
21 school is out of compliance with the fingerprinting requirements and if the  
22 charter school provides proof within forty-eight hours of written  
23 notification that an application for the appropriate fingerprint check has  
24 been received by the department of public safety. The sponsor of the charter  
25 school shall obtain proof that the charter school has been notified, and the  
26 notification shall identify the date of the deadline and shall be signed by  
27 both parties. The sponsor of a charter school shall automatically impose a  
28 civil penalty of one thousand dollars per occurrence if the sponsor  
29 determines that the charter school subsequently violates the fingerprinting  
30 requirements. Civil penalties pursuant to this subsection shall be assessed  
31 by requesting the department of education to reduce the amount of state aid  
32 that the charter school would otherwise receive by an amount equal to the  
33 civil penalty. The amount of state aid withheld shall revert to the state  
34 general fund at the end of the fiscal year.

35 J. A charter school may receive and spend monies distributed by the  
36 department of education pursuant to section 42-5029, subsection E and section  
37 37-521, subsection B.

38 K. If a school district transports or contracts to transport pupils to  
39 the Arizona state schools for the deaf and the blind during any fiscal year,  
40 the school district may transport or contract with a charter school to  
41 transport sensory impaired pupils during that same fiscal year to a charter  
42 school if requested by the parent of the pupil and if the distance from the  
43 pupil's place of actual residence within the school district to the charter  
44 school is less than the distance from the pupil's place of actual residence

1 within the school district to the campus of the Arizona state schools for the  
2 deaf and the blind.

3 L. Notwithstanding any other law, a university under the jurisdiction  
4 of the Arizona board of regents, a community college district or a group of  
5 community college districts shall not include any student in the student  
6 count of the university, community college district or group of community  
7 college districts for state funding purposes if that student is enrolled in  
8 and attending a charter school sponsored by the university, community college  
9 district or group of community college districts.

10 M. The governing body of a charter school shall transmit a copy of its  
11 proposed budget or the summary of the proposed budget and a notice of the  
12 public hearing to the department of education for posting on the department  
13 of education's website no later than ten days before the hearing and meeting.  
14 If the charter school maintains a website, the charter school governing body  
15 shall post on its website a copy of its proposed budget or the summary of the  
16 proposed budget and a notice of the public hearing.

17 N. The governing body of a charter school shall collaborate with the  
18 private organization that is approved by the state board of education  
19 pursuant to section 15-792.02 to provide approved board examination systems  
20 for the charter school.

21 O. If permitted by federal law, a charter school may opt out of  
22 federal grant opportunities if the charter holder or the appropriate  
23 governing body of the charter school determines that the federal requirements  
24 impose unduly burdensome reporting requirements.

25 P. For the purposes of this section:

26 1. "Monies intended for the basic maintenance and operations of the  
27 school" means monies intended to provide support for the educational program  
28 of the school, except that it does not include supplemental assistance for a  
29 specific purpose or title VIII of the elementary and secondary education act  
30 of 1965 monies. The auditor general shall determine which federal or state  
31 monies meet the definition in this paragraph.

32 2. "Operated for or by the same school district" means the charter  
33 school is either governed by the same district governing board or operated by  
34 the district in the same manner as other traditional schools in the district  
35 or is operated by an independent party that has a contract with the school  
36 district. The auditor general and the department of education shall  
37 determine which charter schools meet the definition in this subsection.

38 Sec. 2. Section 15-249.01, Arizona Revised Statutes, is amended to  
39 read:

40 15-249.01. Data governance commission; membership; terms;  
41 duties; commission termination; definition

42 A. The data governance commission is established in the department of  
43 education consisting of:

44 1. The chief technology managers, or the managers' designees, of each  
45 of the universities under the jurisdiction of the Arizona board of regents.

1           2. The chief technology manager, or the manager's designee, of a  
2 community college district located in a county with a population of eight  
3 hundred thousand persons or more who has expertise in technology and who is  
4 appointed by the governor.

5           3. The chief technology manager, or the manager's designee, of a  
6 community college district located in a county with a population of less than  
7 eight hundred thousand persons who has expertise in technology and who is  
8 appointed by the governor.

9           4. The chief executive officer of the Arizona early childhood  
10 development and health board or the chief executive officer's designee.

11           5. An officer or employee of a school district located in a county  
12 with a population of eight hundred thousand persons or more who has expertise  
13 in technology and who is appointed by the governor.

14           6. An officer or employee of a school district located in a county  
15 with a population of less than eight hundred thousand persons who has  
16 expertise in technology and who is appointed by the governor.

17           7. An officer or employee of a charter school located in a county with  
18 a population of eight hundred thousand persons or more who has expertise in  
19 technology and who is appointed by the president of the senate.

20           8. An officer or employee of a charter school located in a county with  
21 a population of less than eight hundred thousand persons who has expertise in  
22 technology and who is appointed by the speaker of the house of  
23 representatives.

24           9. Two representatives of the business community, one of whom is  
25 appointed by the president of the senate and one of whom is appointed by the  
26 speaker of the house of representatives.

27           10. The director of the department of administration or the director's  
28 designee.

29           11. The superintendent of public instruction or the superintendent's  
30 designee.

31           B. The initial appointed members shall assign themselves by lot to  
32 terms of two, three and four years in office. All subsequent appointed  
33 members of the commission shall serve four-year terms. The chairperson shall  
34 notify the governor, the speaker of the house of representatives and the  
35 president of the senate on appointments of these terms. Members of the  
36 commission shall elect a chairperson from among the members of the  
37 commission. Members of the commission shall not receive compensation. The  
38 department of education shall provide adequate staff support for the  
39 commission.

40           C. The commission shall identify, examine and evaluate the needs of  
41 public institutions that provide instruction to pupils in preschool programs,  
42 kindergarten programs, grades one through twelve and postsecondary programs  
43 in Arizona and shall:



- 1 1. Establish guidelines related to the following:
  - 2 (a) Managed data access.
  - 3 (b) Technology.
  - 4 (c) Privacy and security.
  - 5 (d) Adequacy of training.
  - 6 (e) Adequacy of data model implementation.
  - 7 (f) Prioritization of funding opportunities.
  - 8 (g) Resolution of data conflicts.
  - 9 (h) The form and format of data elements that are required for state  
10 and federal reporting and interagency data sharing.
- 11 2. Provide recommendations on technology spending.
- 12 3. Provide analyses and recommendations of the following:
  - 13 (a) The control of data confidentiality and data security for stored  
14 data and data in transmission.
  - 15 (b) Access privileges and access management.
  - 16 (c) Data audit management, including data quality metrics, sanctions  
17 and incentives for data quality improvement.
  - 18 (d) Data standards for stored data and data in transmission, including  
19 rules for definition, format, source, provenance, element level and  
20 contextual integrity.
  - 21 (e) Documentation standards for data elements and systems components.
  - 22 (f) Data archival and retrieval management systems, including change  
23 control and change tracking.
  - 24 (g) Publication of standard and ad hoc reports for state and local  
25 level use on student achievement.
  - 26 (h) Publication of implementation timelines and progress.
- 27 4. CREATE, PUBLISH AND MAKE PUBLICLY AVAILABLE ON THE DEPARTMENT'S  
28 WEBSITE A DATA DICTIONARY WITH DEFINITIONS OF STUDENT DATA ELEMENTS IN THE  
29 EDUCATION DATA SYSTEM, INCLUDING:
  - 30 (a) STUDENT DATA ELEMENTS REQUIRED TO BE REPORTED BY STATE AND FEDERAL  
31 EDUCATION MANDATES.
  - 32 (b) ANY STUDENT DATA ELEMENT THAT HAS BEEN PROPOSED FOR INCLUSION IN  
33 THE EDUCATION DATA SYSTEM WITH A STATEMENT REGARDING THE PURPOSE OR REASON  
34 FOR THE PROPOSED COLLECTION.
  - 35 (c) ANY STUDENT DATA ELEMENTS THE DEPARTMENT COLLECTS OR MAINTAINS  
36 WITH NO CURRENTLY IDENTIFIED PURPOSE.
- 37 5. REVIEW AND APPROVE DATA ELEMENTS TO BE INCLUDED IN THE EDUCATION  
38 DATA SYSTEM PURSUANT TO SECTION 15-1042. ANY NEW STUDENT DATA COLLECTION  
39 SHALL BE ANNOUNCED TO THE GENERAL PUBLIC AND POSTED FOR A REVIEW AND COMMENT  
40 PERIOD OF AT LEAST SIXTY DAYS.
- 41 ~~4.~~ 6. Ensure that the guidelines and recommendations adopted pursuant  
42 to this subsection reduce duplication and administrative requirements for  
43 public schools, postsecondary institutions and public agencies.
- 44 ~~5.~~ 7. Submit an annual report on or before December 1 regarding the  
45 commission's activities to the governor, the speaker of the house of

1 representatives and the president of the senate. The data governance  
2 commission shall provide copies of this report to the secretary of state.  
3 THE REPORT SHALL INCLUDE:

4 (a) ANY NEW DATA ELEMENTS PROPOSED FOR INCLUSION IN THE EDUCATION DATA  
5 SYSTEM.

6 (b) CHANGES TO EXISTING DATA COLLECTIONS REQUIRED FOR ANY REASON,  
7 INCLUDING CHANGES TO FEDERAL REPORTING REQUIREMENTS.

8 (c) AN EXPLANATION OF ANY EXCEPTIONS GRANTED BY THE DEPARTMENT DURING  
9 THE YEAR REGARDING THE RELEASE OF STUDENT LEVEL DATA OUT OF STATE PURSUANT TO  
10 SECTION 15-1045, SUBSECTION E.

11 (d) THE RESULTS OF ANY PRIVACY OR SECURITY AUDIT CONDUCTED WITHIN THE  
12 PRECEDING YEAR. THE REPORT MAY NOT INCLUDE ANY INFORMATION THAT WOULD POSE A  
13 THREAT TO THE SECURITY OR THE CONFIDENTIALITY OF THE EDUCATION DATA SYSTEM OR  
14 TO THE SECURE TRANSMISSION OF DATA BETWEEN SCHOOL DISTRICTS, CHARTER SCHOOLS  
15 AND THE DEPARTMENT.

16 D. The commission established by this section ends on July 1, 2020  
17 pursuant to section 41-3103.

18 E. FOR THE PURPOSES OF THIS SECTION, "EDUCATION DATA SYSTEM" HAS THE  
19 SAME MEANING PRESCRIBED IN SECTION 15-1041.01.

20 Sec. 3. Section 15-874, Arizona Revised Statutes, is amended to read:  
21 15-874. Records; reporting requirements

22 A. Each pupil's immunizations shall be recorded on the school  
23 immunization record. The school immunization record shall be a standardized  
24 form developed by the department of health services in conjunction with the  
25 department of education and provided by the department of health services and  
26 shall be ~~a part of the mandatory permanent student record~~ MAINTAINED  
27 ACCORDING TO STANDARDS SET BY THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC  
28 RECORDS. The records are open to inspection by the department of health  
29 services and the local health department.

30 B. Each immunization record shall contain at least the following  
31 information:

- 32 1. The pupil's name and birth date.
- 33 2. The date of the pupil's admission to the school.
- 34 3. The type of immunizing agents administered to the pupil.
- 35 4. The date each dose of immunizing agent is administered to the  
36 pupil.

37 5. The established schedule for completion of immunizations if the  
38 pupil is admitted to or allowed to continue to attend a school pursuant to  
39 section 15-872, subsection E.

40 6. Laboratory evidence of immunity if this evidence is presented as  
41 part of a pupil's documentary proof.

42 7. If an exemption from immunization as provided in section 15-873 is  
43 submitted to the school administrator, the date the exemption is submitted  
44 and the reason for the exemption.

1           8. Additional information prescribed by the director of the department  
2 of health services by rule.

3           C. A school shall transfer an immunization record with the mandatory  
4 permanent student record and provide at no charge, on request, a copy of the  
5 immunization record to the parent or guardian of the pupil.

6           D. By November 30 of each school year, each school district and  
7 private school shall complete and file a report with the local health  
8 department and the department of health services, using forms provided by the  
9 department of health services. The report shall state the number of pupils  
10 attending who have completed required immunizations or who have submitted  
11 laboratory evidence of immunity, the number of pupils attending with  
12 uncompleted required immunizations and the number of pupils attending with an  
13 exemption from immunization pursuant to section 15-873.

14           Sec. 4. Title 15, chapter 9, article 8, Arizona Revised Statutes, is  
15 amended by adding section 15-1041.01, to read:

16           15-1041.01. Definitions

17           IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

18           1. "AGGREGATED DATA" MEANS DATA THAT IS COLLECTED OR REPORTED AT THE  
19 GROUP, COHORT, SCHOOL, SCHOOL DISTRICT, CHARTER SCHOOL OR STATE LEVEL.

20           2. "EDUCATION DATA SYSTEM" MEANS THE STUDENT ACCOUNTABILITY  
21 INFORMATION SYSTEM ESTABLISHED BY SECTION 15-1041, OR ITS SUCCESSOR SYSTEM,  
22 AND THE EDUCATION LEARNING AND ACCOUNTABILITY SYSTEM ESTABLISHED PURSUANT TO  
23 SECTION 15-249, OR ITS SUCCESSOR SYSTEM, AND ALL OF THOSE SYSTEMS' RESPECTIVE  
24 COMPONENTS.

25           3. "LOCAL EDUCATION AGENCY" MEANS A SCHOOL DISTRICT, CHARTER HOLDER,  
26 OR EDUCATION SERVICE AGENCY.

27           4. "MASKED STUDENT LEVEL DATA" MEANS STUDENT LEVEL DATA COLLECTED AND  
28 UNIQUE PUPIL IDENTIFIERS THAT UTILIZES A SECONDARY IDENTIFIER CREATED BY THE  
29 DEPARTMENT TO ENSURE THAT DATA USED FOR RESEARCH OR OTHER PURPOSES CANNOT BE  
30 USED TO PERSONALLY IDENTIFY STUDENTS.

31           5. "PERSONALLY IDENTIFIABLE INFORMATION" MEANS INFORMATION THAT MAY BE  
32 USED ON ITS OWN OR WITH OTHER INFORMATION TO IDENTIFY AN INDIVIDUAL PUPIL.

33           6. "PUPIL RECORDS" MEANS EITHER OF THE FOLLOWING:

34           (a) ANY PUPIL-RELATED INFORMATION MAINTAINED BY A LOCAL EDUCATION  
35 AGENCY.

36           (b) ANY INFORMATION ACQUIRED DIRECTLY FROM THE PUPIL THROUGH THE USE  
37 OF SOFTWARE OR APPLICATIONS ASSIGNED TO THE PUPIL BY A LOCAL EDUCATION AGENCY  
38 OR ITS EMPLOYEES.

39           7. "STUDENT LEVEL DATA" MEANS ALL DATA ELEMENTS THAT ARE COMPILED AND  
40 SUBMITTED FOR EACH INDIVIDUAL STUDENT IN THIS STATE AND THAT ARE NECESSARY  
41 FOR THE COMPLETION OF THE STATUTORY REQUIREMENTS OF THE DEPARTMENT OF  
42 EDUCATION AND THE STATE BOARD OF EDUCATION RELATING TO THE CALCULATION OF  
43 FUNDING FOR PUBLIC EDUCATION, THE DETERMINATION OF STUDENT ACADEMIC PROGRESS  
44 AS MEASURED BY STUDENT TESTING PROGRAMS IN THIS STATE, STATE AND FEDERAL  
45 REPORTING REQUIREMENTS AND OTHER DUTIES PRESCRIBED BY LAW TO THE DEPARTMENT

1 OF EDUCATION OR THE STATE BOARD OF EDUCATION. STUDENT LEVEL DATA DOES NOT  
2 INCLUDE DATA ELEMENTS THAT ARE RELATED TO STUDENT BEHAVIOR, DISCIPLINE,  
3 CRIMINAL HISTORY, MEDICAL HISTORY, RELIGIOUS AFFILIATION, PERSONAL PHYSICAL  
4 DESCRIPTORS OR FAMILY INFORMATION AND THAT ARE NOT AUTHORIZED BY THE PARENT  
5 OR GUARDIAN OF THE PUPIL OR NOT OTHERWISE REQUIRED BY LAW.

6 8. "THIRD-PARTY PROVIDER" MEANS A PROVIDER OF DIGITAL SOFTWARE AND  
7 SERVICES, INCLUDING CLOUD-BASED SERVICES, FOR INSTRUCTIONAL, DIAGNOSTIC AND  
8 ASSESSMENT PURPOSES AND FOR THE DIGITAL STORAGE, MANAGEMENT AND RETRIEVAL OF  
9 PUPIL RECORDS.

10 9. "UNIQUE PUPIL IDENTIFIER" MEANS THE METHOD OF IDENTIFYING EACH  
11 INDIVIDUAL STUDENT ESTABLISHED BY THE DEPARTMENT PURSUANT TO SECTION  
12 15-1045.

13 Sec. 5. Section 15-1042, Arizona Revised Statutes, is amended to read:  
14 15-1042. Student level data; requirements; confidentiality

15 A. The department of education shall notify school districts, joint  
16 technical education districts and charter schools of electronic data  
17 submission procedures and shall distribute a list of the specific student  
18 level data elements, including the statutory or regulatory reference for each  
19 data element, that school districts, joint technical education districts and  
20 charter schools are required to submit. The department of education shall  
21 not make any changes to the student level data elements to be collected  
22 unless the student level data element has been reviewed and adopted by the  
23 data governance commission established by section 15-249.01.

24 B. Each school district, joint technical education district and  
25 charter school shall submit electronic data on a school-by-school basis,  
26 including student level data, to the department of education in order for the  
27 school district, joint technical education district or charter school to  
28 receive monies for the cost of educating students pursuant to this title.

29 ~~C. The department of education shall grant a school district, joint  
30 technical education district or charter school an extension to the deadline  
31 for the submission of student level data or may provide for an alternative  
32 method for the submission of student level data if the school district, joint  
33 technical education district or charter school proves that good cause exists  
34 for the extension, and the school district, joint technical education  
35 district or charter school shall continue to receive monies for the cost of  
36 educating students pursuant to this title. The request for an extension of  
37 the deadline for the submission of student level data pursuant to this  
38 subsection shall include a justification for the extension and the status of  
39 current efforts towards complying with the submission of student level data.~~

40 ~~D.~~ C. A pupil or the parent or guardian of a pupil shall not be  
41 required to submit data that does not relate to the provision of educational  
42 services or assistance to the pupil.

43 ~~E.~~ D. Unless otherwise prescribed, school districts, joint technical  
44 education districts and charter schools shall begin to report new data

1 elements on July 1 of the year that follows the effective date of the law  
2 that requires the collection of the data.

3 ~~F.~~ E. Student level data items submitted to the department of  
4 education by school districts, joint technical education districts and  
5 charter schools pursuant to this section shall not be used to adjust funding  
6 levels or calculate the average daily membership for the purpose of funding  
7 school districts at any time other than the fortieth, one hundredth and two  
8 hundredth days of the school year.

9 ~~G.~~ F. A school district, joint technical education district or  
10 charter school is not required to submit student level data to the department  
11 of education more often than once every twenty school days.

12 ~~H.~~ G. ~~Notwithstanding subsection J of this section,~~ The student level  
13 data shall include reasons for the withdrawal if reasons are provided by the  
14 withdrawing pupil or the pupil's parent or guardian. For the purposes of  
15 this subsection, the department of education shall include in the specific  
16 student level data elements that school districts, joint technical education  
17 districts and charter schools are required to submit data relating to  
18 students who withdraw from school because the student is pregnant or because  
19 the student is the biological parent of a child.

20 ~~I.~~ H. All student level data collected pursuant to this section is  
21 confidential and is not a public record. The data collected may be used for  
22 aggregate research and reporting and for providing access of student level  
23 data to school districts, joint technical education districts, charter  
24 schools, community colleges and universities under the jurisdiction of the  
25 Arizona board of regents.

26 ~~J. For the purposes of this section, "student level data" means all~~  
27 ~~data elements that are compiled and submitted for each student in this state~~  
28 ~~and that are necessary for the completion of the statutory requirements of~~  
29 ~~the department of education and the state board of education relating to the~~  
30 ~~calculation of funding for public education, the determination of student~~  
31 ~~academic progress as measured by student testing programs in this state,~~  
32 ~~state and federal reporting requirements and other duties prescribed to the~~  
33 ~~department of education or the state board of education by law. Student~~  
34 ~~level data does not include data elements related to student behavior,~~  
35 ~~discipline, criminal history, medical history, religious affiliation,~~  
36 ~~personal physical descriptors or family information not authorized by the~~  
37 ~~parent or guardian of the pupil or otherwise required by law.~~

38 Sec. 6. Section 15-1043, Arizona Revised Statutes, is amended to read:

39 15-1043. Student level data; access; confidentiality

40 A. Any disclosure of educational records compiled by the department of  
41 education pursuant to this article shall comply with the family educational  
42 rights and privacy act [OF 1974](#) (20 United States Code section 1232g).

43 B. Student level data may not be updated unless the change is  
44 authorized by the school district, joint technical education district or  
45 charter school.

1 C. The department of education shall adopt policies and procedures to  
2 allow access ~~of TO~~ student level data for currently enrolled students to  
3 school districts, joint technical education districts and charter schools,  
4 SUBJECT TO SECTION 15-1045, SUBSECTION D.

5 D. THE DEPARTMENT SHALL DEVELOP CRITERIA FOR THE APPROVAL OF DATA  
6 REQUESTS FROM STATE AND LOCAL AGENCIES, THE LEGISLATURE AND RESEARCHERS. IF  
7 THE DEPARTMENT APPROVES A REQUEST PURSUANT TO THIS SUBSECTION, THE DEPARTMENT  
8 SHALL ONLY RELEASE MASKED STUDENT LEVEL DATA UNLESS OTHERWISE ALLOWED BY LAW  
9 OR IF THE DEPARTMENT DETERMINES THE REQUEST QUALIFIES FOR AN EXCEPTION UNDER  
10 THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (20 UNITED STATES CODE  
11 SECTION 1232g).

12 Sec. 7. Repeal

13 Section 15-1044, Arizona Revised Statutes, is repealed.

14 Sec. 8. Section 15-1045, Arizona Revised Statutes, is amended to read:  
15 15-1045. Education data system; pupil privacy

16 A. Any collection, maintenance or disclosure of pupil educational  
17 records compiled by the department of education in an education ~~database of~~  
18 ~~pupil records~~ DATA SYSTEM shall comply with the family educational rights and  
19 privacy act OF 1974 (20 United States Code section 1232g).

20 ~~B. The department of education shall maintain the database in the~~  
21 ~~following manner:~~

22 ~~1. The use of the information is limited to comply with statutory~~  
23 ~~obligations.~~

24 ~~2. Personally identifiable information is confidential and is not~~  
25 ~~public record.~~

26 ~~3. Proper security measures are employed to ensure the confidentiality~~  
27 ~~and integrity of the education database.~~

28 ~~4. Data is secured from breaches and identity theft through~~  
29 ~~implementation of protections and standards.~~

30 B. PERSONALLY IDENTIFIABLE INFORMATION AND STUDENT LEVEL DATA  
31 CONTAINED IN THE EDUCATION DATA SYSTEM ARE CONFIDENTIAL AND ARE NOT A PUBLIC  
32 RECORD.

33 C. THE DEPARTMENT SHALL CREATE A UNIQUE PUPIL IDENTIFIER FOR EACH  
34 PUPIL IN THE EDUCATION DATA SYSTEM. The pupil identifier ~~in the education~~  
35 ~~database is unique,~~ MAY not BE identifiable by anyone other than officials  
36 maintaining the education ~~database~~ DATA SYSTEM and ~~shall~~ MAY not be the  
37 pupil's social security number or any variation of the pupil's social  
38 security number.

39 D. THE DEPARTMENT SHALL DEVELOP, PUBLISH AND MAKE PUBLICLY AVAILABLE  
40 POLICIES AND PROCEDURES TO COMPLY WITH ALL RELEVANT STATE AND FEDERAL PRIVACY  
41 LAWS, INCLUDING THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (20  
42 UNITED STATES CODE SECTION 1232g). THE POLICIES SHALL REQUIRE THAT:

43 1. ACCESS TO STUDENT LEVEL DATA IN THE EDUCATION DATA SYSTEM BE  
44 RESTRICTED TO:

1 (a) THE AUTHORIZED STAFF OF THE DEPARTMENT WHO REQUIRE ACCESS TO  
2 PERFORM THEIR ASSIGNED DUTIES AS REQUIRED BY LAW, BY INTERAGENCY DATA SHARING  
3 AGREEMENTS OR OTHER LEGAL OBLIGATIONS.

4 (b) SCHOOL DISTRICT AND CHARTER SCHOOL ADMINISTRATORS, TEACHERS AND  
5 SCHOOL PERSONNEL WHO REQUIRE ACCESS TO PERFORM THEIR ASSIGNED DUTIES.

6 (c) A STUDENT AND THE STUDENT'S PARENTS, EXCEPT THAT THE STUDENT AND  
7 PARENTS MAY HAVE ACCESS TO DATA ABOUT ONLY THAT PARTICULAR STUDENT.

8 (d) THE AUTHORIZED STAFF OF OTHER STATE AGENCIES IN THIS STATE OR  
9 POLITICAL SUBDIVISIONS OF THIS STATE AS REQUIRED BY LAW OR AS DEFINED BY  
10 INTERAGENCY DATA SHARING AGREEMENTS PURSUANT TO THIS SECTION.

11 (e) RESEARCHERS CONDUCTING STUDIES THAT HAVE BEEN APPROVED PURSUANT TO  
12 SECTION 15-1043, SUBSECTION D.

13 2. THE DEPARTMENT USE ONLY AGGREGATED DATA THAT DOES NOT CONTAIN  
14 PERSONALLY IDENTIFIABLE INFORMATION IN PUBLIC REPORTS AND IN RESPONSE TO  
15 PUBLIC RECORDS REQUESTS, EXCEPT AS PROVIDED IN SUBSECTION E OF THIS SECTION.

16 3. STUDENTS AND PARENTS BE NOTIFIED OF THEIR RIGHTS TO PRIVACY OF  
17 EDUCATIONAL RECORDS UNDER FEDERAL AND STATE LAW.

18 E. UNLESS OTHERWISE ALLOWED BY LAW, SUBJECT TO SECTION 15-1043, THE  
19 DEPARTMENT MAY NOT TRANSFER STUDENT LEVEL DATA DEEMED CONFIDENTIAL UNDER THIS  
20 ARTICLE TO ANY FEDERAL AGENCY OR ANY STATE OR LOCAL AGENCY.

21 F. THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A DETAILED SECURITY PLAN  
22 THAT INCLUDES:

23 1. PROCEDURES FOR AUTHORIZING ACCESS TO THE EDUCATION DATA SYSTEM AND  
24 TO STUDENT LEVEL DATA.

25 2. STANDARDS FOR COMPLIANCE WITH FEDERAL AND STATE PRIVACY LAWS AND  
26 REGULATIONS.

27 3. PRIVACY AND SECURITY AUDITS.

28 4. PLANNING FOR A POSSIBLE BREACH OF DATA SECURITY, INCLUDING  
29 NOTIFICATION PROCEDURES TO ENTITIES THAT OWN DATA THAT MAY BE AFFECTED.

30 5. DATA RETENTION AND DESTRUCTION POLICIES, CONSISTENT WITH GUIDELINES  
31 ADOPTED BY THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

32 6. AT A MINIMUM, COMPLIANCE WITH STATEWIDE TECHNOLOGY SECURITY  
33 STANDARDS ADOPTED BY THE DEPARTMENT OF ADMINISTRATION.

34 G. THE DEPARTMENT SHALL ENSURE THAT ANY CONTRACTS WITH PRIVATE VENDORS  
35 GOVERNING DATABASES, ASSESSMENTS OR INSTRUCTIONAL SUPPORTS THAT INCLUDE  
36 STUDENT LEVEL DATA INCLUDE EXPRESS PROVISIONS THAT SAFEGUARD PRIVACY AND  
37 SECURITY AND INCLUDE CIVIL PENALTIES FOR NONCOMPLIANCE.

38 H. SCHOOL DISTRICTS AND CHARTER SCHOOLS MAY NOT REPORT THE FOLLOWING  
39 STUDENT LEVEL DATA TO THE DEPARTMENT:

40 1. JUVENILE DELINQUENCY RECORDS.

41 2. CRIMINAL RECORDS, EXCEPT FOR INCIDENT DATA REQUIRED TO BE REPORTED  
42 FOR SCHOOL SAFETY PURPOSES.

43 3. MEDICAL AND HEALTH RECORDS.

44 I. SCHOOL DISTRICTS AND CHARTER SCHOOLS MAY NOT COLLECT THE FOLLOWING  
45 DATA ABOUT ANY STUDENT:

- 1           1. POLITICAL AFFILIATION.
- 2           2. RELIGIOUS AFFILIATION.
- 3           3. BIOMETRIC INFORMATION, EXCEPT AS PROVIDED IN SECTION 15-109.
- 4           4. FIREARMS OWNERSHIP.
- 5           J. THE SUPERINTENDENT SHALL APPOINT A CHIEF PRIVACY OFFICER, WHO SHALL
- 6 ASSUME PRIMARY RESPONSIBILITY FOR THE AGENCY PRIVACY POLICY. THE CHIEF
- 7 PRIVACY OFFICER SHALL:
- 8           1. ENSURE THAT THE USE OF TECHNOLOGIES SUSTAIN, AND DO NOT ERODE,
- 9 PRIVACY PROTECTIONS.
- 10          2. ENSURE THAT STUDENT LEVEL DATA CONTAINED IN THE EDUCATION DATA
- 11 SYSTEM IS HANDLED IN FULL COMPLIANCE WITH THIS SECTION AND OTHER APPLICABLE
- 12 STATE AND FEDERAL LAWS.
- 13          3. IN CONJUNCTION WITH THE CHIEF DATA OFFICER, EVALUATE LEGISLATIVE
- 14 AND REGULATORY PROPOSALS INVOLVING THE COLLECTION, USE AND DISCLOSURE OF
- 15 STUDENT DATA BY THE DEPARTMENT.
- 16          4. IN CONJUNCTION WITH THE CHIEF DATA OFFICER, CONDUCT A PRIVACY
- 17 IMPACT ASSESSMENT ON PROPOSED RULES OF THE DEPARTMENT IN GENERAL, AND THE
- 18 PROPOSED RULES OF THE DEPARTMENT ON THE PRIVACY OF STUDENT DATA, INCLUDING
- 19 THE TYPE OF PERSONAL INFORMATION COLLECTED AND THE NUMBER OF STUDENTS
- 20 AFFECTED.
- 21          5. COORDINATE WITH THE ATTORNEY GENERAL AND CHIEF DATA OFFICER TO
- 22 ENSURE THAT PROGRAMS, POLICIES AND PROCEDURES AFFECTING CIVIL RIGHTS, CIVIL
- 23 LIBERTIES AND PRIVACY CONSIDERATIONS ARE ADDRESSED IN AN INTEGRATED AND
- 24 COMPREHENSIVE MANNER.
- 25          6. ESTABLISH AND OPERATE A PROCESS FOR PARENTS TO FILE COMPLAINTS OF
- 26 POSSIBLE PRIVACY VIOLATIONS, INCLUDING COMPLAINTS MADE PURSUANT TO SECTION
- 27 15-142, SUBSECTION C, AND TO PROVIDE REDRESS.
- 28          7. ENSURE THAT ALL PRIVACY-RELATED INCIDENTS ARE PROPERLY REPORTED,
- 29 INVESTIGATED AND MITIGATED, AS APPROPRIATE.
- 30          8. WORK WITH THE CHIEF DATA OFFICER TO PROVIDE TRAINING, EDUCATION AND
- 31 OUTREACH TO BUILD A CULTURE OF PRIVACY THROUGHOUT THE DEPARTMENT.
- 32          9. MAKE INVESTIGATIONS AND REPORTS REGARDING THE ADMINISTRATION OF
- 33 PROGRAMS AND OPERATIONS OF THE DEPARTMENT REGARDING PRIVACY MATTERS AND SHALL
- 34 HAVE ACCESS TO ALL RECORDS, REPORTS, AUDITS, REVIEWS, DOCUMENTS, PAPERS,
- 35 RECOMMENDATIONS AND OTHER MATERIALS AVAILABLE TO THE DEPARTMENT THAT ARE
- 36 NECESSARY TO COMPLETE THE CHIEF PRIVACY OFFICER'S RESPONSIBILITIES.
- 37          K. THE CHIEF INFORMATION OFFICER OF THE DEPARTMENT SHALL APPOINT A
- 38 CHIEF DATA OFFICER. THE CHIEF DATA OFFICER SHALL:
- 39          1. COORDINATE WITH THE CHIEF PRIVACY OFFICER TO FULFILL THE
- 40 REQUIREMENTS OF THIS SECTION.
- 41          2. ESTABLISH POLICIES AND PROCEDURES TO ENSURE THE EFFICIENT AND
- 42 SECURE COLLECTION, STORAGE, MAINTENANCE AND DISPOSITION OF ALL DATA COLLECTED
- 43 IN THE EDUCATION DATA SYSTEM ACCORDING TO APPLICABLE LAWS.
- 44          3. ESTABLISH DEPARTMENT POLICIES NECESSARY FOR IMPLEMENTING FAIR
- 45 INFORMATION PRACTICE PRINCIPLES TO ENHANCE PRIVACY PROTECTIONS.



1           4. WORK WITH THE CHIEF PRIVACY OFFICER AND OTHER OFFICIALS IN ENGAGING  
2 STAKEHOLDERS ABOUT THE QUALITY, USEFULNESS, OPENNESS AND PRIVACY OF DATA.

3           5. ESTABLISH AND OPERATE A DEPARTMENT PRIVACY INCIDENT RESPONSE  
4 PROCESS IN COORDINATION WITH THE CHIEF INFORMATION OFFICER.

5           L. THE DEPARTMENT MAY ASSESS FEES FOR THE PRODUCTION OF REQUESTS FOR  
6 DATA PURSUANT TO SECTION 15-1043 OR FOR THE ASSEMBLY OF DATA THAT IS  
7 OTHERWISE CONFIDENTIAL AND NOT A PUBLIC RECORD, INTO AGGREGATED REPORTS THAT  
8 ARE NOT ALREADY AVAILABLE FROM THE DEPARTMENT.

9           M. THE PARENT OR GUARDIAN OF A STUDENT MAY REQUEST TO REVIEW A COPY OF  
10 THE STUDENT'S EDUCATIONAL RECORD, INCLUDING DATA SUBMITTED TO THE EDUCATION  
11 DATA SYSTEM, USING THE PROCESS PRESCRIBED IN SECTION 15-102.

12           Sec. 9. Title 15, chapter 9, article 8, Arizona Revised Statutes, is  
13 amended by adding section 15-1046, to read:

14           15-1046. School service providers; privacy information;  
15                                   definitions

16           A. A SCHOOL SERVICE PROVIDER SHALL DO ALL OF THE FOLLOWING:

17           1. PROVIDE CLEAR AND EASY TO UNDERSTAND INFORMATION ABOUT THE TYPES OF  
18 STUDENT PERSONAL INFORMATION THAT THE SCHOOL SERVICE PROVIDER COLLECTS AND  
19 ABOUT HOW THE SCHOOL SERVICE PROVIDER USES AND SHARES THIS STUDENT PERSONAL  
20 INFORMATION.

21           2. PROVIDE PROMINENT NOTICE BEFORE MAKING MATERIAL CHANGES TO ITS  
22 PRIVACY POLICIES FOR SCHOOL SERVICES.

23           3. FACILITATE ACCESS TO AND CORRECTION OF STUDENT PERSONAL INFORMATION  
24 BY STUDENTS AND PARENTS OR GUARDIANS EITHER DIRECTLY OR THROUGH THE RELEVANT  
25 SCHOOL DISTRICT, CHARTER SCHOOL OR TEACHER.

26           4. OBTAIN CONSENT BEFORE USING STUDENT PERSONAL INFORMATION IN A  
27 MANNER THAT IS INCONSISTENT WITH THE PROVIDER'S PRIVACY POLICY FOR THE  
28 APPLICABLE SCHOOL SERVICE IN EFFECT AT THE TIME OF COLLECTION. IF THE  
29 STUDENT PERSONAL INFORMATION WAS COLLECTED DIRECTLY FROM STUDENTS, THE SCHOOL  
30 SERVICE PROVIDER SHALL OBTAIN CONSENT FROM THE STUDENT'S PARENT OR GUARDIAN  
31 OR THE STUDENT. IN ALL OTHER CASES, CONSENT MAY BE OBTAINED FROM THE SCHOOL  
32 DISTRICT, CHARTER SCHOOL OR TEACHER.

33           5. MAINTAIN A COMPREHENSIVE INFORMATION SECURITY PROGRAM THAT IS  
34 REASONABLY DESIGNED TO PROTECT THE SECURITY, PRIVACY, CONFIDENTIALITY AND  
35 INTEGRITY OF STUDENT PERSONAL INFORMATION AND THAT USES APPROPRIATE  
36 ADMINISTRATIVE, TECHNOLOGICAL AND PHYSICAL SAFEGUARDS.

37           6. SCHOOL SERVICE PROVIDERS MUST OBLIGATE ANY THIRD PARTIES INVOLVED ON  
38 THE PROVIDERS' BEHALF IN THE SUPPLY OF SCHOOL SERVICES INVOLVING STUDENT  
39 PERSONAL INFORMATION TO ADHERE TO THE REQUIREMENTS OF THIS SECTION REGARDING  
40 SUCH INFORMATION.

41           7. DELETE A STUDENT'S PERSONAL INFORMATION WITHIN A REASONABLE PERIOD  
42 OF TIME IF THE RELEVANT SCHOOL DISTRICT, CHARTER SCHOOL OR TEACHER REQUESTS  
43 THE DELETION OF THE DATA UNDER THE CONTROL OF THE SCHOOL DISTRICT, CHARTER  
44 SCHOOL OR TEACHER UNLESS THE SCHOOL SERVICE PROVIDER HAS OBTAINED CONSENT  
45 FROM THE STUDENT'S PARENT OR GUARDIAN OR THE STUDENT TO RETAIN INFORMATION

1 RELATED TO THAT STUDENT OR THE STUDENT HAS TRANSFERRED TO ANOTHER SCHOOL  
2 DISTRICT, CHARTER SCHOOL OR TEACHER AND THAT SCHOOL DISTRICT, CHARTER SCHOOL  
3 OR TEACHER HAS REQUESTED THAT THE SERVICE PROVIDER RETAIN INFORMATION RELATED  
4 TO THAT STUDENT.

5 B. IF THE SCHOOL SERVICE IS OFFERED TO A SCHOOL DISTRICT OR CHARTER  
6 SCHOOL OR A TEACHER IN A SCHOOL DISTRICT OR CHARTER SCHOOL, THE INFORMATION  
7 PRESCRIBED IN SUBSECTION A, PARAGRAPHS 1 AND 2 OF THIS SECTION MAY BE  
8 PROVIDED TO THE SCHOOL DISTRICT, CHARTER SCHOOL OR TEACHER.

9 C. A SCHOOL SERVICE PROVIDER MAY COLLECT, USE AND SHARE STUDENT  
10 PERSONAL INFORMATION ONLY FOR THE PURPOSES AUTHORIZED BY THE SCHOOL DISTRICT,  
11 CHARTER SCHOOL OR TEACHER, OR WITH THE CONSENT OF THE STUDENT'S PARENT OR  
12 GUARDIAN OR THE STUDENT.

13 D. A SCHOOL SERVICE PROVIDER MAY NOT DO ANY OF THE FOLLOWING:

14 1. SELL STUDENT PERSONAL INFORMATION. THIS PROHIBITION DOES NOT APPLY  
15 TO THE PURCHASE, MERGER OR OTHER TYPE OF ACQUISITION OF A SERVICE PROVIDER OR  
16 ANY ASSETS OF A SERVICE PROVIDER BY ANOTHER ENTITY PROVIDED THE SUCCESSOR  
17 ENTITY CONTINUES TO BE SUBJECT TO THE PROVISIONS OF THIS SECTION WITH RESPECT  
18 TO PREVIOUSLY ACQUIRED STUDENT PERSONAL INFORMATION TO THE EXTENT THAT THE  
19 SERVICE PROVIDER WAS REGULATED BY THIS SECTION.

20 2. USE OR SHARE ANY STUDENT PERSONAL INFORMATION FOR THE PURPOSE OF  
21 TARGETING ADVERTISEMENTS TO STUDENTS.

22 3. USE STUDENT PERSONAL INFORMATION TO CREATE A PERSONAL PROFILE OF A  
23 STUDENT OTHER THAN FOR SUPPORTING PURPOSES AUTHORIZED BY THE SCHOOL DISTRICT,  
24 CHARTER SCHOOL OR TEACHER, OR WITH THE CONSENT OF THE STUDENT'S PARENT OR  
25 GUARDIAN OR THE STUDENT. FOR THE PURPOSES OF THIS SECTION "CREATE A PERSONAL  
26 PROFILE" DOES NOT INCLUDE THE COLLECTION AND RETENTION OF ACCOUNT RECORDS OR  
27 INFORMATION THAT REMAINS UNDER THE CONTROL OF THE STUDENT, PARENT, SCHOOL OR  
28 SCHOOL DISTRICT.

29 E. IF A SCHOOL SERVICE PROVIDER ENTERED INTO A SIGNED, WRITTEN  
30 CONTRACT WITH A SCHOOL DISTRICT, CHARTER SCHOOL OR TEACHER BEFORE THE  
31 EFFECTIVE DATE OF THIS SECTION, THE SCHOOL SERVICE PROVIDER IS NOT REQUIRED  
32 TO COMPLY WITH THIS SECTION WITH RESPECT TO THAT CONTRACT UNTIL THE NEXT  
33 RENEWAL DATE OF THE CONTRACT.

34 F. THIS SECTION DOES NOT PROHIBIT:

35 1. USING STUDENT PERSONAL INFORMATION FOR THE PURPOSES OF ADAPTIVE  
36 LEARNING, PERSONALIZED LEARNING OR CUSTOMIZED EDUCATION.

37 2. USING STUDENT PERSONAL INFORMATION FOR MAINTAINING, DEVELOPING,  
38 SUPPORTING, IMPROVING OR DIAGNOSING THE SCHOOL SERVICE'S SITE, SERVICE OR  
39 APPLICATION.

40 3. PROVIDING RECOMMENDATIONS FOR SCHOOL, EDUCATIONAL, OTHER LEARNING  
41 OR EMPLOYMENT PURPOSES WITHIN A SCHOOL SERVICE'S SITE, SERVICE OR APPLICATION  
42 WITHOUT THE RESPONSE BEING DETERMINED IN WHOLE OR IN PART BY PAYMENT OR OTHER  
43 CONSIDERATION FROM A THIRD PARTY.

1           4. RESPONDING TO A STUDENT'S REQUEST FOR INFORMATION OR FOR FEEDBACK  
2 WITHOUT THE INFORMATION OR RESPONSE BEING DETERMINED IN WHOLE OR IN PART BY  
3 PAYMENT OR OTHER CONSIDERATION FROM A THIRD PARTY.

4           5. DISCLOSING STUDENT PERSONAL INFORMATION:

5           (a) TO ENSURE LEGAL OR REGULATORY COMPLIANCE OR PROTECT AGAINST  
6 LIABILITY.

7           (b) TO PROTECT THE SECURITY OR INTEGRITY OF ITS SITE, SERVICE OR  
8 APPLICATION.

9           (c) TO RESPOND TO OR PARTICIPATE IN JUDICIAL PROCESS.

10          (d) TO PROTECT THE SAFETY OF USERS OR OTHERS OR SECURITY OF THE SCHOOL  
11 SERVICE'S SITE, SERVICE OR APPLICATION.

12          (e) TO A SERVICE PROVIDER PROVIDED THE SCHOOL DISTRICT:

13          (i) CONTRACTUALLY PROHIBITS THE SERVICE PROVIDER FROM USING ANY  
14 STUDENT PERSONAL INFORMATION FOR ANY PURPOSE OTHER THAN PROVIDING THE  
15 CONTRACTED SERVICE TO, OR ON BEHALF OF, THE SCHOOL SERVICE PROVIDER.

16          (ii) PROHIBITS THE SERVICE PROVIDER FROM DISCLOSING ANY STUDENT  
17 PERSONAL INFORMATION PROVIDED BY THE SCHOOL SERVICE TO SUBSEQUENT THIRD  
18 PARTIES UNLESS THE DISCLOSURE IS EXPRESSLY PERMITTED BY SUBSECTION F,  
19 PARAGRAPHS 1, 2, 3, 4 AND 5.

20          (iii) REQUIRES THE SERVICE PROVIDER TO COMPLY WITH THE REQUIREMENTS OF  
21 THIS ACT.

22          G. THIS SECTION SHALL NOT BE CONSTRUED TO IMPEDE THE ABILITY OF  
23 STUDENTS TO DOWNLOAD, EXPORT OR OTHERWISE SAVE OR MAINTAIN THEIR OWN STUDENT  
24 DATA OR DOCUMENTS.

25          H. FOR THE PURPOSES OF THIS SECTION:

26          1. "SCHOOL SERVICE" MEANS A WEBSITE, MOBILE APPLICATION OR ONLINE  
27 SERVICE THAT IS DESIGNED AND MARKETED FOR USE IN ELEMENTARY OR SECONDARY  
28 SCHOOLS, THAT IS USED AT THE DIRECTION OF TEACHERS OR OTHER SCHOOL EMPLOYEES  
29 AND THAT COLLECTS, MAINTAINS OR USES STUDENT PERSONAL INFORMATION. SCHOOL  
30 SERVICE DOES NOT INCLUDE A WEBSITE, MOBILE APPLICATION OR ONLINE SERVICE THAT  
31 IS DESIGNED AND MARKETED FOR USE BY INDIVIDUALS OR ENTITIES GENERALLY, EVEN  
32 IF THE WEBSITE, MOBILE APPLICATION OR ONLINE SERVICE IS ALSO MARKETED TO  
33 ELEMENTARY OR SECONDARY SCHOOLS.

34          2. "SCHOOL SERVICE PROVIDER" MEANS AN ENTITY THAT OPERATES A SCHOOL  
35 SERVICE TO THE EXTENT IT IS OPERATING IN THAT CAPACITY.

36          3. "STUDENT" MEANS A STUDENT WHO IS ENROLLED IN A SCHOOL DISTRICT OR  
37 CHARTER SCHOOL IN THIS STATE.

38          4. "STUDENT PERSONAL INFORMATION" MEANS INFORMATION COLLECTED THROUGH  
39 A SCHOOL SERVICE THAT PERSONALLY IDENTIFIES AN INDIVIDUAL STUDENT OR  
40 INFORMATION COLLECTED AND MAINTAINED ABOUT AN INDIVIDUAL STUDENT AND THAT IS  
41 LINKED TO PERSONALLY IDENTIFIABLE INFORMATION.

42          5. "TARGETED ADVERTISING" MEANS SENDING ADVERTISEMENTS TO A STUDENT  
43 WHERE THE ADVERTISEMENT IS SELECTED BASED ON INFORMATION OBTAINED OR INFERRED  
44 FROM THAT STUDENT'S ONLINE BEHAVIOR, USAGE OF APPLICATIONS OR STUDENT  
45 PERSONAL INFORMATION. TARGETED ADVERTISING DOES NOT INCLUDE:

1           (a) ADVERTISING TO A STUDENT AT AN ONLINE LOCATION BASED UPON THAT  
2 STUDENT'S CURRENT VISIT TO THAT LOCATION WITHOUT THE COLLECTION AND RETENTION  
3 OF A STUDENT'S ONLINE ACTIVITIES OVER TIME.

4           (b) ADAPTIVE LEARNING, PERSONALIZED LEARNING OR CUSTOMIZED EDUCATION.

5           Sec. 10. Repeal

6           Section 41-3016.23, Arizona Revised Statutes, is repealed.

7           Sec. 11. Short title

8           Section 9, as added by this act, may be cited as the "Student User  
9 Privacy in Education Rights Act" or "S.U.P.E.R. Act".