



**ARIZONA STATE SENATE**  
*Fifty-Fourth Legislature, Second Regular Session*

**AMENDED**  
FACT SHEET FOR S.B. 1209

students; data; accessibility; governance commission

Purpose

Grants county superintendents, the State Board of Education (SBE) and the Arizona State Board for Charter Schools (ASBCS) access to student-level data for students within their jurisdiction.

Background:

The Arizona Department of Education (ADE), in coordination with the Data Governance Commission (Commission) is required to develop and implement the Education Learning and Accountability System (System) to collect, compile, maintain and report student-level data. The System must: 1) maintain student-level data including demographics, grade level, assessment, teacher assignment and other required data; 2) incorporate the Student Accountability Information System; and 3) be accessible through commonly used internet browsers ([A.R.S. § 15-249](#)).

The Commission is established within ADE to identify, examine and evaluate the needs of public institutions that provide instruction. The Commission must: 1) establish guidelines related to data, technology, security, adequacy of training and model implementation, funding priorities, data conflict resolutions and the format of data reporting and sharing; 2) provide recommendations on technology spending; 3) analyze and provide recommendations on data confidentiality and security, access privileges, audit management, standards for stored data, documentation standards, archival and retrieval systems and publication of reports and timelines; 4) ensure guidelines reduce duplication of administrative requirements; and 5) submit an annual report ([A.R.S. § 15-249.01](#)).

Any disclosure of educational records must comply with the Family Educational Rights and Privacy Act (FERPA). ADE must adopt policies that allow school districts, career technical education districts and charter schools to access student-level data ([A.R.S. § 15-1043](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions:

1. Requires ADE to adopt policies that allow county school superintendents, SBE and the ASBCS access to student-level data for students currently enrolled in a school that is within their jurisdiction.

2. Requires ADE to develop and publish policies, as defined by interagency data-sharing agreements, to comply with FERPA and other relevant privacy laws, including those that manage access to personally identifiable information to be implemented by ADE, county school superintendents, SBE and the ASBCS.
3. Requires the ADE-developed policies to:
  - a) contain a detailed security plan that includes:
    - i. guidelines for authorizing access to systems housing the data;
    - ii. privacy compliance standards and security audits;
    - iii. security breach planning, notice, procedures and consequences;
    - iv. data retention and disposition policies, including criteria on how data is destroyed; and
    - v. guidelines regarding data use and staff trainings;
  - b) ensure that written agreements involving the disclosure of student-level data that comply with the following:
    - i. minimum FERPA conditions;
    - ii. specify the purpose, scope and duration of the studies and information disclosed;
    - iii. require personally identifiable information to comply with the outlined scope;
    - iv. prohibit access to personally identifiable information by anyone outside of the organization; and
    - v. require the organization to destroy personally identifiable information that is no longer needed for the outlined purpose;
  - c) ensure that work products from the use of student-level data do not conflict with any state and federal reporting; and
  - d) provide access to student-level data through an online platform within the parameters of federal law pursuant to the written agreements.
4. Adds a county school superintendent appointed by the Governor to the Commission.
5. Modifies the expiration date of the Commission from July 1, 2020 to July 1, 2026.
6. Makes technical and conforming changes.
7. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Changes the expiration date of the Commission.

Amendments Adopted by Committee of the Whole

1. Limits access to student-level data for county school superintendents, SBE and ASBCS to students currently enrolled in a school within their jurisdiction.
2. Removes the requirement that county superintendents, SBE and ASBCS be granted access to the System.

3. Requires ADE to develop and publish privacy policies and outlines required components of the policies.

Senate Action

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Prepared by Senate Research

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JO/JP/gs