

Senate Engrossed
students; data; accessibility

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SENATE BILL 1279

AN ACT

AMENDING SECTION 15-1043, ARIZONA REVISED STATUTES; APPROPRIATING MONIES;
RELATING TO THE STUDENT ACCOUNTABILITY INFORMATION SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section. 1. Section 15-1043, Arizona Revised Statutes, is amended
3 to read:

4 15-1043. Student level data; allowable disclosure; policies;
5 funds; report

6 A. Any disclosure of educational records compiled by the department
7 of education pursuant to this article shall comply with the family
8 educational rights and privacy act (20 United States Code section 1232g).

9 B. Student level data may not be updated unless the change is
10 authorized by the school district, career technical education district or
11 charter school.

12 C. The department of education shall adopt policies and procedures
13 to BOTH:

14 1. Allow access of student level data for currently enrolled
15 students to ALL OF THE FOLLOWING:

- 16 (a) School districts. ~~,~~
- 17 (b) Career technical education districts. ~~and~~
- 18 (c) Charter schools.

19 2. ALLOW ACCESS OF STUDENT LEVEL DATA TO ALL OF THE FOLLOWING:

20 (a) COUNTY SCHOOL SUPERINTENDENTS FOR STUDENTS CURRENTLY ENROLLED
21 IN A SCHOOL DISTRICT LOCATED IN THE SUPERINTENDENT'S COUNTY OF
22 JURISDICTION.

23 (b) THE STATE BOARD OF EDUCATION FOR STUDENTS CURRENTLY ENROLLED IN
24 A SCHOOL DISTRICT OR CHARTER SCHOOL IN THIS STATE.

25 (c) THE STATE BOARD FOR CHARTER SCHOOLS FOR STUDENTS CURRENTLY
26 ENROLLED IN A CHARTER SCHOOL SPONSORED BY THE STATE BOARD FOR CHARTER
27 SCHOOLS.

28 D. THE DEPARTMENT OF EDUCATION SHALL DEVELOP, PUBLISH AND MAKE
29 PUBLICLY AVAILABLE POLICIES AND PROCEDURES TO COMPLY WITH THE FAMILY
30 EDUCATIONAL RIGHTS AND PRIVACY ACT (20 UNITED STATES CODE 1232g) AND OTHER
31 RELEVANT PRIVACY LAWS AND POLICIES, INCLUDING POLICIES THAT MANAGE ACCESS
32 TO PERSONALLY IDENTIFIABLE INFORMATION, TO BE IMPLEMENTED BY THE
33 DEPARTMENT OF EDUCATION, COUNTY SCHOOL SUPERINTENDENTS, THE STATE BOARD OF
34 EDUCATION AND THE STATE BOARD FOR CHARTER SCHOOLS PURSUANT TO THIS SECTION
35 AND AS PRESCRIBED BY INTERAGENCY DATA-SHARING AGREEMENTS. THE POLICIES AND
36 PROCEDURES MUST COMPLY WITH ALL OF THE FOLLOWING:

37 1. CONTAIN A DETAILED DATA SECURITY PLAN THAT INCLUDES ALL OF THE
38 FOLLOWING:

39 (a) GUIDELINES FOR AUTHORIZING ACCESS TO THE SYSTEMS HOUSING
40 STUDENT LEVEL DATA AND TO INDIVIDUAL STUDENT DATA, INCLUDING GUIDELINES
41 FOR AUTHENTICATING AUTHORIZED ACCESS.

42 (b) PRIVACY COMPLIANCE STANDARDS.

43 (c) PRIVACY AND SECURITY AUDITS.

44 (d) SECURITY BREACH PLANNING, NOTICE AND PROCEDURES.

1 (e) DATA RETENTION AND DISPOSITION POLICIES, WHICH MUST INCLUDE
2 SPECIFIC CRITERIA FOR IDENTIFYING WHEN AND HOW THE DATA WILL BE DESTROYED.

3 (f) GUIDANCE FOR SCHOOL DISTRICTS, CHARTER SCHOOLS AND STAFF
4 REGARDING DATA USE.

5 (g) CONSEQUENCES FOR SECURITY BREACHES.

6 (h) STAFF TRAINING REGARDING THE GUIDELINES.

7 2. ENSURE THAT WRITTEN AGREEMENTS INVOLVING THE DISCLOSURE OF
8 STUDENT LEVEL DATA TO THE DEPARTMENT OF EDUCATION, COUNTY SCHOOL
9 SUPERINTENDENTS, THE STATE BOARD OF EDUCATION AND THE STATE BOARD FOR
10 CHARTER SCHOOLS COMPLY WITH ALL OF THE FOLLOWING:

11 (a) MEET THE MINIMUM CONDITIONS PRESCRIBED BY THE FAMILY
12 EDUCATIONAL RIGHTS AND PRIVACY ACT FOR EXCEPTIONS TO WRITTEN PARENTAL
13 CONSENT AS OUTLINED IN 20 UNITED STATES CODE SECTION 1232g(b) AND (h)
14 THROUGH (j) AND 34 CODE OF FEDERAL REGULATIONS SECTION 99.31.

15 (b) SPECIFY THE PURPOSE, SCOPE AND DURATION OF THE DISCLOSURE AND
16 THE INFORMATION TO BE DISCLOSED.

17 (c) REQUIRE THE ORGANIZATION TO USE PERSONALLY IDENTIFIABLE
18 INFORMATION FROM EDUCATIONAL RECORDS ONLY TO MEET THE PURPOSE OR PURPOSES
19 OF THE DISCLOSURE AS STATED IN THE WRITTEN AGREEMENT.

20 (d) REQUIRE THE ORGANIZATION TO CONDUCT THE DISCLOSURE IN A MANNER
21 THAT DOES NOT ALLOW ACCESS TO THE PERSONALLY IDENTIFIABLE DATA OF PARENTS
22 AND STUDENTS BY ANYONE OTHER THAN REPRESENTATIVES OF THE ORGANIZATION WITH
23 LEGITIMATE INTERESTS.

24 (e) REQUIRE THE ORGANIZATION TO DESTROY ALL PERSONALLY IDENTIFIABLE
25 INFORMATION WHEN THE INFORMATION IS NO LONGER NEEDED FOR THE PURPOSES FOR
26 WHICH THE DISCLOSURE WAS CONDUCTED AND TO SPECIFY THE TIME PERIOD IN WHICH
27 THE INFORMATION MUST BE DESTROYED.

28 3. ENSURE THAT ANY WORK PRODUCTS FROM THE USE OF STUDENT LEVEL DATA
29 BY THE DEPARTMENT OF EDUCATION, COUNTY SCHOOL SUPERINTENDENTS, THE STATE
30 BOARD OF EDUCATION OR THE STATE BOARD FOR CHARTER SCHOOLS ARE NOT IN
31 CONFLICT WITH ANY STATE AND FEDERAL REPORTING THAT MEETS STATE AND FEDERAL
32 LAW.

33 4. PROVIDE ACCESS TO STUDENT LEVEL DATA THROUGH AN ONLINE PLATFORM
34 WITHIN THE PARAMETERS OF FEDERAL LAW AND PURSUANT TO THE WRITTEN
35 AGREEMENTS WITH THE CONSENT OF THE REQUIRED PARTIES.

36 E. NOTHING IN THIS SECTION APPLIES TO A HOMESCHOOL STUDENT WITH AN
37 AFFIDAVIT ON FILE PURSUANT TO SECTION 15-802.

38 F. THE SUM OF \$200,000 IS APPROPRIATED FROM THE STATE GENERAL FUND
39 IN FISCAL YEAR 2022-2023 AND EACH FISCAL YEAR THEREAFTER TO THE DEPARTMENT
40 OF EDUCATION TO ADOPT POLICIES AND PROCEDURES TO MANAGE ACCESS AND PROTECT
41 STUDENT LEVEL DATA AS PRESCRIBED IN THIS SECTION.

42 G. ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DEPARTMENT OF
43 EDUCATION SHALL REPORT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE ON HOW
44 THE MONIES ARE BEING USED TO MANAGE ACCESS AND PROTECT STUDENT LEVEL DATA
45 AS PRESCRIBED IN THIS SECTION.

1 Sec. 2. Appropriations: department of education: student
2 level data

3 A. The sum of \$350,000 is appropriated from the state general fund
4 in fiscal year 2021-2022 to the department of education to implement
5 section 15-1043, Arizona Revised Statutes, as amended by this act.

6 B. On or before December 31, 2021, the department of education
7 shall report to the joint legislative budget committee on how the monies
8 are being used to manage access and protect student level data as
9 prescribed in section 15-1043, Arizona Revised Statutes.