

05/18/2015 11:14:20 AM

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB2049**

By: Nelson of the House and Treat of the Senate

Title: Schools; Student Data Accessibility, Transparency and Accountability Act of 2013; clarifying statutory language; effective date.

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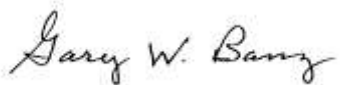




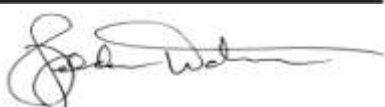
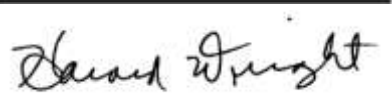
Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. Conferees are unable to agree.

Respectfully submitted,

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

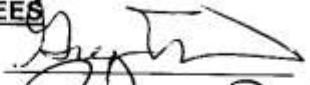
HB2049 CCR (A)  
**HOUSE CONFEREES**

Banz, Gary		Caldwell, Chad	
Condit, Donnie		Hardin, Tommy	
Kannady, Chris		Nelson, Jason	
Pruett, R. C.		Shoemaker, Jerry	
Watson, Weldon		Wright, Harold	

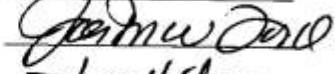
HB2049 CCR A

**SENATE CONFEREES**

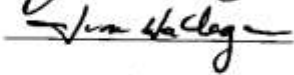
Treat



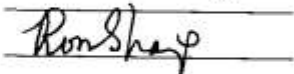
Ford



Halligan



Smalley



Sharp



Garrison

\_\_\_\_\_

Wyrick

\_\_\_\_\_

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_



1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2049

By: Nelson of the House

and

Treat of the Senate

3  
4  
5  
6  
7 [ schools - Student Data Accessibility, Transparency  
8 and Accountability Act of 2013 - clarifying  
9 statutory language - effective date ]  
10  
11

12 AUTHOR: Add the following House Coauthor: Brumbaugh

13 AMENDMENT NO. 1. Page 1, strike the enacting clause.  
14

15 Passed the Senate the 21st day of April, 2015.  
16  
17

\_\_\_\_\_  
18 Presiding Officer of the Senate

19 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
20 2015.  
21

\_\_\_\_\_  
22 Presiding Officer of the House  
23 of Representatives  
24

1 ENGROSSED HOUSE  
2 BILL NO. 2049

By: Nelson of the House  
and  
Treat of the Senate

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5  
6  
7 [ schools - Student Data Accessibility, Transparency  
8 and Accountability Act of 2013 - clarifying  
9 statutory language - effective date ]  
10  
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY Section 1, Chapter 356, O.S.L.  
14 2013 (70 O.S. Supp. 2014, Section 3-168), is amended to read as  
15 follows:

16 Section 3-168. A. This section shall be known and may be cited  
17 as the "Student Data Accessibility, Transparency and Accountability  
18 Act of 2013".

19 B. As used in ~~this act~~ the Student Data Accessibility,  
20 Transparency and Accountability Act of 2013:

- 21 1. "Board" means the State Board of Education;  
22 2. "Department" means the State Department of Education;  
23 3. "Data system" means the Oklahoma State Department of  
24 Education student data system;

1 4. "Aggregate data" means data collected and/or reported at the  
2 group, cohort, or institutional level;

3 5. "De-identified data" means a student dataset in which parent  
4 and student identifying information, including the state-assigned  
5 student identifier, has been removed;

6 6. "Student testing number" means the unique student identifier  
7 assigned by the state to each student that shall not be or include  
8 the Social Security number of a student in whole or in part; and

9 7. "Student data" means data collected and/or reported at the  
10 individual student level included in a student's educational record.

11 a. "Student data" includes:

- 12 (1) state and national assessment results, including  
13 information on untested public school students,  
14 (2) course taking and completion, credits earned, and  
15 other transcript information,  
16 (3) course grades and grade point average,  
17 (4) date of birth, grade level and expected  
18 graduation date/graduation cohort,  
19 (5) degree, diploma, credential attainment, and other  
20 school exit information such as General  
21 Educational Development and drop-out data,  
22 (6) attendance and mobility,  
23  
24

- 1 (7) data required to calculate the federal four-year  
2 adjusted cohort graduation rate, including  
3 sufficient exit and drop-out information,  
4 (8) discipline reports limited to objective  
5 information sufficient to produce the federal  
6 Title IV Annual Incident Report,  
7 (9) remediation,  
8 (10) special education data, and  
9 (11) demographic data and program participation  
10 information.

11 b. Unless included in a student's educational record,  
12 "student data" shall not include:

- 13 (1) juvenile delinquency records,  
14 (2) criminal records,  
15 (3) medical and health records,  
16 (4) student Social Security number, and  
17 (5) student biometric information.

18 C. The State Board of Education shall:

19 1. Create, publish and make publicly available a data inventory  
20 and dictionary or index of data elements with definitions of  
21 individual student data fields currently in the student data system  
22 including:

- 23 a. any individual student data required to be reported by  
24 state and federal education mandates,



1           b. any individual student data which has been proposed  
2           for inclusion in the student data system with a  
3           statement regarding the purpose or reason for the  
4           proposed collection, and

5           c. any individual student data that the State Department  
6           of Education collects or maintains with no current  
7           purpose or reason;

8           2. Develop, publish and make publicly available policies and  
9           procedures to comply with the Federal Family Educational Rights and  
10          Privacy Act (FERPA) and other relevant privacy laws and policies,  
11          including but not limited to:

12          a. access to student and de-identified data in the  
13          student data system shall be restricted to:

14           (1) the authorized staff of the State Department of  
15           Education and the Department's contractors who  
16           require such access to perform their assigned  
17           duties, including staff and contractors from the  
18           Information Services Division of the Office of  
19           Management and Enterprise Services assigned to  
20           the Department,

21           (2) district administrators, teachers and school  
22           personnel who require such access to perform  
23           their assigned duties,

24           (3) students and their parents, and

1 (4) the authorized staff of other state agencies in  
2 Oklahoma as required by law and/or defined by  
3 interagency data-sharing agreements,

4 b. the State Department of Education shall use only  
5 aggregate data in public reports or in response to  
6 record requests in accordance with paragraph 3 of this  
7 subsection,

8 c. the State Department of Education shall develop  
9 criteria for the approval of research and data  
10 requests from state and local agencies, the State  
11 Legislature, researchers and the public:

12 (1) unless otherwise approved by the State Board of  
13 Education, student data maintained by the State  
14 Department of Education shall remain  
15 confidential, and

16 (2) unless otherwise approved by the State Board of  
17 Education to release student or de-identified  
18 data in specific instances, the Department may  
19 only use aggregate data in the release of data in  
20 response to research and data requests, and

21 d. notification to students and parents regarding their  
22 rights under federal and state law;

23 3. Unless otherwise approved by the State Board of Education,  
24 the State Department of Education, a school district and any agent

1 or vendor of the Department or a school district shall not transfer  
2 student or de-identified data deemed confidential under division (1)  
3 of subparagraph c of paragraph 2 of this subsection ~~of this~~  
4 ~~section~~ to any federal, state or local agency or other  
5 organization/entity outside of the State of Oklahoma, with the  
6 following exceptions:

- 7 a. a student transfers out of state or a school/district  
8 seeks help with locating an out-of-state transfer,
- 9 b. a student leaves the state to attend an out-of-state  
10 institution of higher education or training program,
- 11 c. a student registers for or takes a national or  
12 multistate assessment,
- 13 d. a student voluntarily participates in a program for  
14 which such a data transfer is a condition/requirement  
15 of participation,
- 16 e. the Department or school district enters into a  
17 contract that governs databases, assessments, special  
18 education or instructional supports with an out-of-  
19 state vendor, or
- 20 f. a student is classified as "migrant" for federal  
21 reporting purposes;

22 4. Develop a detailed data security plan that includes:  
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- a. guidelines for authorizing access to the student data system and to individual student data including guidelines for authentication of authorized access,
- b. privacy compliance standards,
- c. privacy and security audits,
- d. breach planning, notification and procedures, and
- e. data retention and disposition policies;

5. Ensure routine and ongoing compliance by the State

Department of Education with FERPA, other relevant privacy laws and policies, and the privacy and security policies and procedures developed under the authority of this act, including the performance of compliance audits;

6. Ensure that any contracts that govern databases, assessments or instructional supports that include student or de-identified data and are outsourced to private vendors include express provisions that safeguard privacy and security and include penalties for noncompliance; and

7. Notify the Governor and the Legislature annually of the following:

- a. new student data proposed for inclusion in the state student data system:

- (1) any new student data collection proposed by the State Board of Education becomes a provisional requirement to allow districts and their local

1 data system vendors the opportunity to meet the  
2 new requirement, and

3 (2) the State Board of Education must submit any new  
4 "provisional" student data collection to the  
5 Governor and the Legislature for their approval  
6 within one (1) year in order to make the new  
7 student data a permanent requirement. Any  
8 provisional student data collection not approved  
9 by the Governor and the Legislature by the end of  
10 the next legislative session expires and is no  
11 longer required,

12 b. changes to existing data collections required for any  
13 reason, including changes to federal reporting  
14 requirements made by the U.S. Department of Education,

15 c. an explanation of any exceptions granted by the State  
16 Board of Education in the past year regarding the  
17 release or out-of-state transfer of student or de-  
18 identified data, and

19 d. the results of any and all privacy compliance and  
20 security audits completed in the past year.

21 Notifications regarding privacy compliance and  
22 security audits shall not include any information that  
23 would itself pose a security threat to the state or  
24 local student information systems or to the secure

1 transmission of data between state and local systems  
2 by exposing vulnerabilities.

3 D. The State Board of Education shall adopt rules for the State  
4 Department of Education to implement the provisions of the Student  
5 Data Accessibility, Transparency and Accountability Act of 2013.

6 E. Upon the effective date of ~~this act~~ the Student Data  
7 Accessibility, Transparency and Accountability Act of 2013, any  
8 existing collection of student data by the State Department of  
9 Education shall not be considered a new student data collection in  
10 accordance with subparagraph a of paragraph 7 of subsection C of  
11 this section.

12 F. Nothing in ~~this act~~ the Student Data Accessibility,  
13 Transparency and Accountability Act of 2013 shall interfere with the  
14 State Department of Education's compliance with the Educational  
15 Accountability Reform Act.

16 SECTION 2. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 3-169 of Title 70, unless there  
18 is created a duplication in numbering, reads as follows:

19 School districts shall be required to obtain a signed written  
20 consent form from the parent or guardian of a student prior to  
21 requiring the student to:

22 1. Create an individual student-based web account, email  
23 account, text account, instant message account or chatroom account  
24

1 which requires the student to enter or reveal individually  
2 identifiable information; or

3 2. Sign onto or view a website or web-based application or site  
4 that requires a student-specific login and the student to enter or  
5 reveal individually identifiable information.

6 SECTION 3. This act shall become effective November 1, 2015.

7 Passed the House of Representatives the 5th day of March, 2015.

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\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2015.

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Presiding Officer of the Senate

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