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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1554 Session of  
2014

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INTRODUCED BY LAWRENCE, TALLMAN, BLOOM, KAUFFMAN, BARRAR,  
GILLEN, TRUITT, MUSTIO, METCALFE, MCGINNIS, MALONEY,  
C. HARRIS, ROCK, KRIEGER, REESE, DENLINGER, TOOHL, DUNBAR,  
REGAN, HACKETT AND EVANKOVICH, MARCH 17, 2014

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REFERRED TO COMMITTEE ON EDUCATION, MARCH 17, 2014

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AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," in preliminary provisions,  
6 prohibiting the release of certain student data and library  
7 data.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
11 as the Public School Code of 1949, is amended by adding a  
12 section to read:

13 Section 123. Student Data and Library Data.--(a) The State  
14 Board of Education shall, with respect to students in  
15 prekindergarten through grade twelve:

16 (1) Create and make publicly available a data inventory of  
17 individual student-level unit data required to be reported by  
18 Federal or State education mandates.

19 (2) Develop and publish policies and procedures to comply

1 with the Family Educational Rights and Privacy Act of 1974  
2 (Public Law 90-247, 20 U.S.C. § 1232g) and other relevant  
3 privacy laws and policies, including, but not limited to:

4 (i) Access to unit and de-identified data shall be  
5 restricted to the authorized staff of the Department of  
6 Education who require such access to perform their assigned  
7 duties.

8 (ii) The Department of Education shall use only aggregate  
9 data in public reports.

10 (iii) The Department of Education shall develop criteria for  
11 the approval of research and data requests from State and local  
12 agencies, the General Assembly, researchers and the public.  
13 Unless otherwise approved by the State Board of Education to  
14 release unit or de-identified data in specific instances, the  
15 Department of Education may only use aggregate data in the  
16 release of data in response to research and data requests.

17 (iv) Notification to students and parents regarding their  
18 rights under Federal and State law.

19 (3) Unless otherwise approved by the State Board of  
20 Education, the Department of Education may not transfer unit or  
21 de-identified data to any Federal, State or local agency or  
22 other organization or entity outside of this Commonwealth, with  
23 the following exceptions:

24 (i) A student transfers out of this Commonwealth or a school  
25 district seeks help with locating an out-of-State transfer.

26 (ii) A student leaves this Commonwealth to attend an out-of-  
27 State institution of higher education or training program.

28 (iii) A student registers for or takes a national or  
29 multistate assessment.

30 (iv) A student voluntarily participates in a program for

1 which such a data transfer is a condition or requirement of  
2 participation.

3 (v) The Department of Education enters into a contract that  
4 governs databases, assessments or instructional supports with an  
5 out-of-State vendor.

6 (vi) A student is classified as "migrant" for Federal  
7 reporting purposes.

8 (4) Develop a detailed data security plan that includes:

9 (i) Guidelines for authorizing access to the student data  
10 system and to individual student data including guidelines for  
11 authentication of authorized access.

12 (ii) Privacy compliance standards.

13 (iii) Privacy and security audits.

14 (iv) Breach notification and procedures.

15 (v) Data retention and disposition policies.

16 (5) Ensure routine and ongoing compliance by the Department  
17 of Education with the Family Educational Rights and Privacy Act  
18 of 1974, other relevant privacy laws and policies and the  
19 privacy and security policies and procedures developed under the  
20 authority of this section, including the performance of  
21 compliance audits.

22 (6) Ensure that any contracts that govern databases,  
23 assessments or instructional supports include unit or de-  
24 identified data, and are outsourced to private vendors that  
25 include express provisions that safeguard privacy and security  
26 and include penalties for noncompliance.

27 (7) Notify the Governor and the General Assembly annually of  
28 the following:

29 (i) New student data proposed for inclusion in a State  
30 student data system.

1 (ii) An explanation of any exceptions granted by the State  
2 Board of Education in the past year regarding the release or  
3 out-of-State transfer of unit or de-identified data.

4 (iii) The results of any and all privacy compliance and  
5 security audits completed in the past year.

6 (b) (1) Any library in this Commonwealth which is in whole  
7 or in part supported by public funds, including, but not limited  
8 to, public, academic, school or special libraries, and having  
9 records indicating which of its documents or other materials,  
10 regardless of format, have been loaned to or used by an  
11 identifiable individual or group shall not disclose such records  
12 to any person except to:

13 (i) persons acting within the scope of their duties in the  
14 administration of the library;

15 (ii) persons authorized to inspect such records, in writing,  
16 by the individual or group; or

17 (iii) By order of a court of law.

18 (2) The requirements of this subsection shall not prohibit  
19 middle and elementary school libraries from maintaining a system  
20 of records that identifies the individual or group to whom  
21 library materials have been loaned even if such system permits a  
22 determination, independent of any disclosure of such information  
23 by the library, that documents or materials have been loaned to  
24 an individual or group.

25 (3) All registration information of minors collected by a  
26 library in this Commonwealth which is supported in whole or in  
27 part by public funds including, but not limited to, public,  
28 academic, school or special libraries shall not be disclosed to  
29 any person except:

30 (i) Persons acting only within the legitimate scope of their

1 duties in the administration of the library.

2 (ii) Persons authorized to inspect such records, in writing,  
3 by the individual.

4 (iii) By order of a court of law.

5 (4) Any suspicious requests for records of minors that may  
6 be indicative of criminal intent shall be reported immediately  
7 to appropriate law enforcement authorities.

8 (5) For purposes of this subsection, "registration  
9 information" includes any information required of a minor in  
10 order to become eligible to borrow books and to utilize library  
11 services and other materials.

12 (c) As used in this section, the following words and phrases  
13 shall have the meanings given to them in this subsection unless  
14 the context clearly indicates otherwise:

15 "Aggregate data." Data collected or reported at the group,  
16 cohort or institutional level.

17 "De-identified data." A dataset in which parent and student  
18 identifying information, including any State-assigned student  
19 identifier, has been removed.

20 "Student data." The unit data relating to student  
21 performance, including, but not limited to:

22 (1) National and State assessment results.

23 (2) Course taking and completion and credits earned.

24 (3) Course grades and grade point average.

25 (4) Date of birth, grade level and expected graduation  
26 date/graduation cohort.

27 (5) Degree, diploma or credential attainment.

28 (6) Enrollment.

29 (7) Attendance and mobility.

30 (8) Discipline reports limited to objective information

1 sufficient to produce the Federal Title IV Annual Incident  
2 Report.

3 (9) Remediation.

4 (10) Special education data.

5 (11) Demographic data.

6 The term does not include juvenile delinquency records, criminal  
7 records, medical and health records and student Social Security  
8 number.

9 "Unit data." Data collected or reported at the individual  
10 student level.

11 Section 2. This act shall take effect in 60 days.