

HB 1873 -- STUDENT DATA PROTECTION ACT

SPONSOR: Guernsey

This bill establishes the Missouri Student Data Protection Act to protect the privacy of educational data, including student performance data and teacher records. In its main provisions, the bill:

(1) Makes it unlawful for a public education agency or educational institution to collect specified information without informed consent and specifies what information may be collected without consent;

(2) Prohibits the use of federal or state funds to construct or expand a data system that fails to comply with the bill, is designed to track students beyond the twelfth grade, or compiles information beyond what is necessary for functions directly related to education or evaluation of academic progress;

(3) Prohibits the collection or dissemination of data in violation of the Fair Labor Standards Act of 1938;

(4) Prohibits the pursuit or acceptance of any grant that requires collecting or reporting data in violation of the provisions of the bill;

(5) Requires public education agencies and educational institutions to disclose on their websites the existence of their data systems and lists the specific information about the data system that must be posted;

(6) Requires that parents and eligible students be provided with a printed copy of educational records held in any database, upon request, and that the records may be corrected;

(7) Requires public education agencies to notify the chairs of the Education Committee of the Senate and the Elementary and Secondary Education Committee of the House of Representatives of the existence of any data system each year, and requires the use of only aggregated data in published reports;

(8) Prohibits an assessment from being adopted or administered that collects psychological data as specified in the bill, except as otherwise prohibited by law;

(9) Prohibits the administration of a survey assessment analysis, evaluation, or similar instrument concerning a student or student's family politics, psychological problems, social skills, sexual

behavior, illegal behavior, appraisals of family, privileged relationships, gun ownership, or income except when required for eligibility for a program;

(10) Limits the access to information in data systems to specified individuals, requires the Department of Elementary and Secondary Education to develop and publish criteria for approval of research-related data requests, and limits the release of data to a contractor by specifying the requirements for its release;

(11) Establishes procedures for reporting a security breach or unauthorized disclosure of personally identifiable student data by a public education agency, educational institution, or third party;

(12) Prohibits the release of personally identifiable information for commercial use, including use by cloud computing service providers, except to ensure service integrity, and requires any storage to be within the United States;

(13) Prohibits the use of student data in predictive modeling, prohibits video monitoring of classrooms without a public hearing and written consent from parents and teachers;

(14) Prohibits disclosure of personally identifiable information from education or teacher records to noneducation government agencies, including the Missouri Department of Labor or to any party that would use the data for workforce planning. Express permission of individuals is required to share data with other states;

(15) Specifies when personally identifiable information from education or teacher records may be disclosed to other government agencies or entities outside Missouri or to federal agencies;

(16) Requires written notification to parents and teachers when the federal Department of Education requires personally identifiable student or teacher data disclosure for a grant;

(17) Requires the transmission of data to an assessment consortium to be in nonindividual record format, directly related to the assessment, and not to contain psychological information; and

(18) Establishes a civil penalty of \$1000 for each violation by an entity other than a public education agency or educational institution, \$5000 for a second violation, and \$10,000 for a third violation involving the same student. The Attorney General may enforce compliance.

The bill has an emergency clause.