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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-EIGHTH SESSION

**H. F. No. 2766**

03/06/2014 Authored by Abeler

The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act  
1.2 relating to education; addressing access to student data; clarifying disclosure  
1.3 requirements affecting personally identifiable information about a student;  
1.4 allowing Minnesota to withdraw from an agreement affecting its autonomy  
1.5 over state academic standards; managing personally identifiable information  
1.6 in electronic student education records; amending Minnesota Statutes 2012,  
1.7 sections 13.32, subdivision 5; 120B.021, by adding a subdivision; Minnesota  
1.8 Statutes 2013 Supplement, section 127A.70, subdivision 2.

1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10 Section 1. Minnesota Statutes 2012, section 13.32, subdivision 5, is amended to read:

1.11 Subd. 5. **Directory information; other personally identifiable information about**  
1.12 **a student.** (a) Information designated as directory information pursuant to the provisions  
1.13 of United States Code, title 20, section 1232g and Code of Federal Regulations, title 34,  
1.14 section 99.37 which are in effect on January 1, 2007, is public data on individuals. When  
1.15 conducting the directory information designation and notice process required by federal  
1.16 law, an educational agency or institution shall give parents and students notice of the  
1.17 right to refuse to let the agency or institution designate any or all data about the student  
1.18 as directory information. This notice may be given by any means reasonably likely to  
1.19 inform the parents and students of the right.

1.20 (b) Notwithstanding other law to the contrary, except law governing law enforcement  
1.21 activities, and in addition to section 13.04, subdivision 2, at the time a governmental entity  
1.22 collects personally identifiable information about a student, the agency or institution must  
1.23 provide an eligible student or a parent with a reasonable opportunity to refuse to let any  
1.24 state agency or state institution disclose personally identifiable information about the  
1.25 student to any third party or to any governmental entity over which the state of Minnesota,  
1.26 a school district, or a school has no direct control.

2.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.2 Sec. 2. Minnesota Statutes 2012, section 120B.021, is amended by adding a  
2.3 subdivision to read:

2.4 Subd. 5. **Maintaining the integrity of state academic standards and state**  
2.5 **educational autonomy.** Notwithstanding other law to the contrary, the state may exit any  
2.6 agreement, contract, memorandum of understanding, or consortium that cedes control of  
2.7 Minnesota's state academic standards, curriculum, or related benchmarks to any other  
2.8 entity, including a federal agency or consortium, for any reason, including:

2.9 (1) the cost of developing or implementing state academic standards or related  
2.10 benchmarks;

2.11 (2) the proposed academic standards or benchmarks are inconsistent with state  
2.12 accountability measures or community expectations or values; or

2.13 (3) the agreement, contract, memorandum of understanding, or consortium:

2.14 (i) was entered into in violation of part 9, Implementing Federal Programs Act, or  
2.15 title 63J, chapter 5, Federal Funds Procedures Act;

2.16 (ii) conflicts with state law;

2.17 (iii) requires student data to be included in a national or multistate data base; or

2.18 (iv) imposes curriculum, assessment, or data tracking requirements on nonpublic  
2.19 or home school students.

2.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.21 Sec. 3. Minnesota Statutes 2013 Supplement, section 127A.70, subdivision 2, is  
2.22 amended to read:

2.23 Subd. 2. **Powers and duties; report.** (a) The partnership shall develop  
2.24 recommendations to the governor and the legislature designed to maximize the achievement  
2.25 of all P-20 students while promoting the efficient use of state resources, thereby helping  
2.26 the state realize the maximum value for its investment. These recommendations may  
2.27 include, but are not limited to, strategies, policies, or other actions focused on:

2.28 (1) improving the quality of and access to education at all points from preschool  
2.29 through graduate education;

2.30 (2) improving preparation for, and transitions to, postsecondary education and  
2.31 work; and

2.32 (3) ensuring educator quality by creating rigorous standards for teacher recruitment,  
2.33 teacher preparation, induction and mentoring of beginning teachers, and continuous  
2.34 professional development for career teachers.

3.1 (b) Under the direction of the P-20 Education Partnership Statewide Longitudinal  
3.2 Education Data System Governance Committee, the Office of Higher Education and the  
3.3 Departments of Education and Employment and Economic Development shall improve  
3.4 and expand the Statewide Longitudinal Education Data System (SLEDS) to provide  
3.5 policymakers, education and workforce leaders, researchers, and members of the public  
3.6 with data, research, and reports to:

3.7 (1) expand reporting on students' educational outcomes;

3.8 (2) evaluate the effectiveness of educational and workforce programs; and

3.9 (3) evaluate the relationship between education and workforce outcomes.

3.10 To the extent possible under federal and state law, research and reports should be  
3.11 accessible to the public on the Internet, and disaggregated by demographic characteristics,  
3.12 organization or organization characteristics, and geography.

3.13 It is the intent of the legislature that the Statewide Longitudinal Education Data  
3.14 System inform public policy and decision-making. The SLEDS governance committee,  
3.15 with assistance from staff of the Office of Higher Education, the Department of Education,  
3.16 and the Department of Employment and Economic Development, shall respond to  
3.17 legislative committee and agency requests on topics utilizing data made available through  
3.18 the Statewide Longitudinal Education Data System as resources permit. Any analysis of  
3.19 or report on the data must contain only summary data.

3.20 Notwithstanding other provisions in this section or other law to the contrary, except  
3.21 law governing law enforcement activities, in order to prevent any unauthorized access,  
3.22 disclosure, or misuse of student data, a school district, a school, and the commissioners of  
3.23 education, higher education, and employment and economic development must not allow  
3.24 personally identifiable information about any P-20 student reported to or available through  
3.25 SLEDS to be disclosed to a third party or to any governmental entity over which the  
3.26 state of Minnesota, a school district, or school has no direct control. A school district or  
3.27 school annually must provide eligible students and parents with a meaningful opportunity  
3.28 to request that the district or school obtain their consent before disclosing directory  
3.29 information about the student who is the subject of the information.

3.30 (c) By January 15 of each year, the partnership shall submit a report to the governor  
3.31 and to the chairs and ranking minority members of the legislative committees and  
3.32 divisions with jurisdiction over P-20 education policy and finance that summarizes the  
3.33 partnership's progress in meeting its goals and identifies the need for any draft legislation  
3.34 when necessary to further the goals of the partnership to maximize student achievement  
3.35 while promoting efficient use of resources.

3.36 **EFFECTIVE DATE.** This section is effective the day following final enactment.