State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3704

03/30/2016   Authored by Smith

The bill was read for the first time and referred to the Committee on Civil Law and Data Practices

1.1   A bill for an act

1.2   relating to education; requiring school district training to protect student data;

1.3   proposing coding for new law in Minnesota Statutes, chapter 123B.

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

1.5   Section 1. **[123B.99] ANNUAL TRAINING REQUIRED TO PROTECT**

1.6   **STUDENT DATA.**

1.7   Subdivision 1. **Training required.** Every school district must conduct annual

1.8   training sessions for at least one staff member with access to student data to ensure

1.9   compliance with section 121A.24 and the Family Educational Rights and Privacy Act

1.10   (FERPA) and to prevent any unauthorized access, disclosure, or misuse of student data, as

1.11   defined in United States Code, title 20, section 1232g, and Code of Federal Regulations,

1.12   title 34, section 9.

1.13   Subd. 2. **Best practices.** Training sessions under subdivision 1 shall include

1.14   discussion and materials on FERPA best practices, which may include but are not limited to:

1.15   (1) maintaining awareness of relevant data privacy laws;

1.16   (2) maintaining awareness of all online educational services used in the district;

1.17   (3) maintaining policies to evaluate and approve online educational services;

1.18   (4) using written contracts governing the use of student data;

1.19   (5) maintaining transparency with students and their parents or legal guardians; and

1.20   (6) considering when parental consent may be appropriate or required under

1.21   applicable law.