



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0445/2
TKK:jld

2017 BILL

1 **AN ACT** *to create* 115.285 of the statutes; **relating to:** responsibilities of state
2 superintendent related to privacy and security of pupil data.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council Study Committee on School Data. The bill establishes duties of the State Superintendent regarding privacy and security of pupil data. The bill requires the Superintendent to provide guidance and training to school districts and schools in implementing and administering a data privacy and security plan and in complying with state and federal laws governing privacy and security of pupil data, including parental complaint procedures and other provisions of the federal Family Educational Rights and Privacy Act and the Wisconsin Pupil Records Law. The bill also requires the Superintendent to take certain steps to engage with members of the public and governmental officials regarding data privacy and security issues.

3 **SECTION 1.** 115.285 of the statutes is created to read:

4 **115.285 Privacy of pupil data. (1) DEFINITION.** In this section:

BILL**SECTION 1**

1 (a) "Parental choice program" means either or both of the programs under ss.
2 118.60 and 119.23.

3 (b) "Pupil data" means all of the following:

4 1. Information contained in education records, as defined in 34 CFR 99.3.

5 2. Information contained in pupil records, as defined in s. 118.125 (1) (d).

6 **(2) COMPLIANCE WITH LAWS GOVERNING PRIVACY OF PUPIL DATA.** The state
7 superintendent shall provide guidance and training to school districts and charter
8 schools in complying with state and federal privacy or security laws, including
9 parental complaint procedures and other provisions of the federal Family
10 Educational Rights and Privacy Act, 20 USC 1232g, and s. 118.125. To the extent
11 private schools participating in a parental choice program are required to comply
12 with these state and federal privacy and security laws, the state superintendent
13 shall provide the same guidance and training to these private schools.

14 **(3) DATA PRIVACY AND SECURITY PLAN.** (a) The state superintendent shall work
15 in collaboration with the department of administration to develop all of the following:

16 1. A data privacy and security plan for the protection of pupil data collected by
17 the department. The state superintendent shall administer the plan prepared under
18 this subdivision.

19 2. A model data privacy and security plan for the protection of pupil data
20 collected or maintained by a school, school district, charter school, or private school
21 participating in a parental choice program. The state superintendent shall provide
22 guidance on the implementation and administration of a data privacy and security
23 plan to the extent that the department has expertise.

BILL

1 (b) The state superintendent shall include all of the following in each plan
2 required under this subsection:

3 1. Guidelines for access to pupil data and to the student information system
4 under s. 115.383 and the longitudinal data system of student information under s.
5 115.297, including guidelines for authentication of individuals authorized to access
6 pupil data and these pupil data systems.

7 2. Procedures for data privacy and security audits.

8 3. Procedures to ensure that incidents involving the unauthorized disclosure
9 of pupil data are reported to relevant stakeholders, investigated, and mitigated, as
10 appropriate.

11 4. Data security training protocols and policies, including technical, physical,
12 and administrative safeguards against unauthorized access or disclosure.

13 5. Data retention and disposition policies.

14 6. A process for evaluating and updating the data privacy and security plan on
15 at least an annual basis.

16 **(4) STAKEHOLDER ENGAGEMENT.** The state superintendent shall engage with
17 members of the public and governmental officials regarding the quality, usefulness,
18 openness, privacy, and security of pupil data. In collaboration with cooperative
19 educational service agencies and other relevant stakeholders, the state
20 superintendent shall develop and promote best practices regarding the quality,
21 usefulness, openness, privacy, and security of pupil data.

22 (END)