

1 **STUDENT DATA BREACH REQUIREMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: John Knotwell**

5 Senate Sponsor: J. Stuart Adams

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to student data privacy.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ requires an education entity to make notification if there is a release of personally
- 14 identifiable student data due to a security breach; and
- 15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **53A-13-301**, as last amended by Laws of Utah 2011, Chapter 401

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **53A-13-301** is amended to read:

26 **53A-13-301. Application of state and federal law to the administration and**
27 **operation of public schools -- Student information confidentiality standards -- Local**



28 **school board and charter school governing board policies.**

29 ~~[(1) An employee, student aide, volunteer, or other agent of the state's public education~~
30 ~~system]~~

31 (1) As used in this section "education entity" means:

32 (a) the State Board of Education;

33 (b) a local school board or charter school governing board;

34 (c) a school district;

35 (d) a public school; or

36 (e) the Utah Schools for the Deaf and the Blind.

37 (2) An education entity and an employee, student aide, volunteer, third party

38 contractor, or other agent of an education entity shall protect the privacy of [students, their
39 parents, and their families,] a student, the student's parents, and the student's family and support
40 parental involvement in the education of their children through compliance with the protections
41 provided for family and student privacy under Section 53A-13-302 and the Federal Family
42 Educational Rights and Privacy Act and related provisions under 20 U.S.C. Secs. 1232g
43 and 1232h, in the administration and operation of all public school programs, regardless of
44 the source of funding.

45 ~~[(2)]~~ (3) A local school board or charter school governing board shall enact policies
46 governing the protection of family and student privacy as required by this section.

47 ~~[(3)]~~ (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
48 Act, the State Board of Education shall makes rules to establish standards for public education
49 employees, student aides, and volunteers in public schools regarding the confidentiality of
50 student information and student records.

51 (b) The rules described in Subsection ~~[(3)]~~ (4)(a) shall provide that a local school board
52 or charter school governing board may adopt policies related to public school student
53 confidentiality to address the specific needs or priorities of the school district or charter school.

54 ~~[(4)]~~ (5) The State Board of Education shall:

55 (a) develop resource materials for purposes of training employees, student aides, and
56 volunteers of a school district or charter school regarding the confidentiality of student
57 information and student records; and

58 (b) provide the materials described in Subsection ~~[(4)]~~ (5)(a) to each school district and

59 charter school.

60 (6) An education entity shall notify the parent or guardian of a student if there is a
61 release of the student's personally identifiable student data due to a security breach.

Legislative Review Note
as of 12-10-14 10:45 AM

Office of Legislative Research and General Counsel