

# HOUSE RESEARCH

## Bill Summary

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**Subject:** Access to student data

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### Overview

Proposes to limit government and third party access to personally identifiable data about students, including survey and other data, collected by state entities such as the department of education or employment and economic development or the office of higher education or by local entities such as school districts and schools. Makes civil remedies available and subjects violators to presumptive damages.

#### Section

- 1 Directory information; other personally identifiable information about a student.** (b) Except for law enforcement activities and the Tennessee warning, requires a government agency or institution that collects personally identifiable data on students to obtain consent from the parent or adult student before disclosing the data to a third party or governmental entity over which the state, a school district, or a school has no direct control.  
  
(c) In addition to the civil remedies available for violating state data practices laws, makes a governmental entity violating this subdivision subject to presumptive damages and allows a court to determine the amount of the damages.  
  
Makes this section effective immediately.
- 2 Requirements for student survey and similar instruments.** (a) Except for the Minnesota student survey, requires school districts to obtain prior written consent from a student's parent before administering a survey or similar instrument to that student, soliciting information about political beliefs, mental health problems, sexual attitudes, antisocial behavior, criticisms of others, privileged relationships, religious beliefs, or family income.

## Section

(b) Requires a school district that anticipates administering a survey or similar instrument under paragraph (a), to inform a student's parent about the administration, content, and use of the survey and access to survey results and to obtain the parent's prior written consent between 15 to 30 school days before the survey is administered to a student.

(c) Makes existing civil remedies available to parents seeking to compel a school district to comply with this section. Makes a school district violating this subdivision subject to presumptive damages and allows a court to determine the amount of the damages.

Makes this section effective immediately.

- 3** **Powers and duties; report.** With the exception of law enforcement activities, prohibits school districts, schools, and the commissioners of education, higher education, and employment and economic development from allowing personally identifiable information about any P-20 student reported to or available through Minnesota's Statewide Longitudinal Education Data System (SLEDS) to be disclosed to a third party or to a governmental entity over which the state, a school district, or a school has no direct control. Requires schools and school districts to obtain annual consent from parents and adult students before disclosing directory information. Makes school districts, schools, and the commissioners of education, higher education, and employment and economic development that violate this subdivision subject to presumptive damages and allows a court to determine the amount of the damages.

Makes this section effective immediately.