

SECOND REGULAR SESSION

HOUSE BILL NO. 1537

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SPENCER.

4877L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to the privacy of student data.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 167, RSMo, is amended by adding thereto one new section, to be known as section 167.900, to read as follows:

167.900. 1. As used in this section, the following terms mean:

- (1) **"Directory information", information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. "Directory information" shall not include a photograph, Social Security number, or student identification number, student user number or any other unique personal identifier;**
- (2) **"Personally identifiable student data", includes, but is not limited to:**
- (a) **The student's name and the name of the student's parent or other family members;**
- (b) **The address of the student or student's family;**
- (c) **A personal identifier, such as the student's Social Security number, student number, or biometric record;**
- (d) **Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;**
- (e) **Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 not have personal knowledge of the relevant circumstances, to identify the student with
18 reasonable certainty; or

19 (f) Information requested by a person who the school district, charter school, or
20 department of elementary and secondary education reasonably believes knows the identity
21 of the student to whom the education record relates.

22 2. A school district, a charter school, and the department of elementary and
23 secondary education shall not collect any personally identifiable student data without
24 explicit parental consent that is itemized specifically to the purpose of the data collection.

25 3. A school district, a charter school, and the department of elementary and
26 secondary education shall collect student data in a manner consistent with state and federal
27 laws concerning student privacy, including but not limited to chapter 610, and 20 U.S.C.
28 Sections 7911, 9572, and 9573. No personally identifiable data on a student or the student's
29 family pertaining to religion, political party affiliation, psychometric data, biometric
30 information, or voting history shall be collected, tracked, housed, reported, or shared with
31 the federal government nor shall it be provided by the district, school, or department to
32 private vendors for the purposes of marketing or business development.

33 4. A school district, a charter school, and the department of elementary and
34 secondary education shall ensure the following principles are incorporated in their policies
35 on collection and use of student data:

36 (1) Justify that the student data being collected and stored are necessary, useful,
37 accurate and valid;

38 (2) Limit access to personally identifiable information to necessary and appropriate
39 individuals;

40 (3) Protect data that are shared from inappropriate use;

41 (4) Implement a security framework that protects student information; and

42 (5) Provide public and parental notice about data collection, policies, access, and
43 use.

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