

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1902 - HB 2168

March 2, 2014

SUMMARY OF BILL: Requires the State Board of Education (SBE) to create and make public a data inventory and dictionary of definitions currently used in the student data system for individual student data fields. The public data inventory shall include: data required for reporting by state or federal education mandates; data that has been proposed for inclusion in the student data system; or data that is collected or maintained by the DOE without a current purpose or reason. Requires the SBE to develop and make public policies and procedures to comply with the Federal Educational Rights and Privacy Act (FERPA), Tenn. Code Ann. § 10-7-504, and other privacy laws and policies. Privacy policies shall: include the list of authorized parties that may access or request student data; require the Commissioner of Education to develop criteria for the approval of research and data requests from state and local agencies, the Tennessee General Assembly (TGA), researchers, and the public; include a data security plan; and ensure that contracts with outside entities contain provisions to safeguard privacy and security. Requires the Governor and TGA to be annually notified of: new student data and the reason for such inclusion; changes to existing data collections; exceptions regarding the release or transfer of data; and the results of all privacy and security audits performed within the past year. Prohibits the DOE from releasing student or teacher data to any federal, state, or local agency or other organization or entity unless approved by the SBE, with certain exceptions.

Requires DOE to develop a model student records policy for use by LEAs concerning the use and the security of student records. The model policy must be developed by DOE by December 31, 2014 and adopted by LEAs by the beginning of the 2015-16 academic year. Prohibits LEAs from collecting individual student data on political affiliation and religion.

Prohibits teachers' personal summative data, evaluation scores, Tennessee Value-Added Assessment System data, and other student growth data from being public records. Any collection of student data by the DOE existing on July 1, 2014 shall not be considered a new student data collection.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The number of changes to educational standards by the SBE will not be increased.

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- Based on information received from the SBE, the board can perform all bill requirements in the normal course of business and within regularly-scheduled board meetings without a significant increase in state expenditures.
- Any increase in state expenditures to develop a model student records policy is estimated to be not significant.
- Any increase in local government expenditures to provide copies of student records as appropriate and adopt student records policies is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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