

ENROLLED ACT NO. 66, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

AN ACT relating to education; requiring a data security plan for education data; accordingly imposing duties; requiring reporting; and providing for effective dates.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 21-2-202(a)(xxxiv), as amended by 2013 Wyoming Session Laws, Chapter 1, is amended to read:

21-2-202. Duties of the director.

(a) In addition to any other duties assigned by law, the director shall:

(xxxiv) With the department of enterprise technology services, establish criteria for the collection, storage, management and reporting of department of education data related to teacher certification, statewide education accountability and assessment and the administration of the school finance system. In carrying out this paragraph, the director and the department of enterprise technology services shall develop a data security plan that includes:

(A) Guidelines for authorizing access to student data, including authentication of authorized access;

(B) Privacy compliance standards;

(C) Privacy and security audits;

(D) Breach planning, notification and procedures pertaining thereto;

(E) Data retention and disposition policies;

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(F) Data security policies including electronic, physical and administrative safeguards such as data encryption and employee training;

(G) Routine and ongoing compliance with the federal Family Educational Rights and Privacy Act (FERPA) and other privacy laws and policies;

(H) Prohibition of the sale of student data to private entities or organizations; and

(J) All personally identifiable student information being reported to the department of education or the department of enterprise technology by a student's Wyoming student record identification and locator number as issued by the department of education.

Section 2. On or before November 1, 2014, the director of the department of education and the director of enterprise technology services shall report to the joint education interim committee on the development and implementation of the data security plan required under this act. The report shall include an inventory by the department of education of all student level education data elements collected, with identification of the law or rule and regulation, which requires collection or reporting of the data. The report shall include recommendations for elimination of unnecessary collections or data elements and mechanisms to improve efficiency and effectiveness of the collection.

Section 3. W.S. 21-2-202(a)(xxxiv), as in effect prior to the enactment of 2013 Wyoming Session Laws, Chapter 1, is amended to read:

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21-2-202. Duties of the state superintendent.

(a) In addition to other duties assigned by law, the state superintendent shall:

(xxxiv) With the department of enterprise technology services, establish criteria for the collection, storage, management and reporting of department of education data related to teacher certification, statewide education accountability and assessment and the administration of the school finance system. In carrying out this paragraph, the state superintendent and the department of enterprise technology services shall develop a data security plan that includes:

(A) Guidelines for authorizing access to student data, including authentication of authorized access;

(B) Privacy compliance standards;

(C) Privacy and security audits;

(D) Breach planning, notification and procedures pertaining thereto;

(E) Data retention and disposition policies;

(F) Data security policies including electronic, physical and administrative safeguards such as data encryption and employee training;

(G) Routine and ongoing compliance with the federal Family Educational Rights and Privacy Act (FERPA) and other privacy laws and policies;

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(H) Prohibition of the sale of student data to private entities or organizations; and

(J) All personally identifiable student information being reported to the department of education or the department of enterprise technology by a student's Wyoming student record identification and locator number as issued by the department of education.

Section 4. On or before November 1, 2014, the state superintendent and the director of enterprise technology services shall report to the joint education interim committee on the development and implementation of the data security plan required under this act. The report shall include an inventory by the department of education of all student level education data elements collected, with identification of the law or rule and regulation, which requires collection or reporting of the data. The report shall include recommendations for elimination of unnecessary collections or data elements and mechanisms to improve efficiency and effectiveness of the collection.

Section 5.

(a) Sections 1 and 2 of this act are effective July 1, 2014, only if sections 3 and 4 of this act are not effective as provided by subsection (b) of this section.

(b) If a final order by the district court of Laramie County, Wyoming, is issued implementing without change the final ruling of the Wyoming Supreme Court issued January 28, 2014, in the case of Kerry and Clara Powers, on behalf of themselves and the citizens of Wyoming, and Cindy Hill, on behalf of herself and as the Superintendent of Public Instruction v. State of Wyoming and Matthew H. Mead, Governor, in his official capacity [Docket No. S-13-0052], then upon expiration of time for appeal of that order, or

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if appealed, upon issuance of a final order or mandate of the Wyoming Supreme Court confirming the district court final order, the Governor shall certify the entry of the district court final order. The Governor shall immediately file any certification under this section together with the final order with the secretary of state. If the certification is filed with the secretary of state after July 1, 2014, sections 3 and 4 of this act are effective upon filing and shall supersede sections 1 and 2 of this act. If the certification is filed with the secretary of state before July 1, 2014, sections 3 and 4 of this act are effective July 1, 2014 and shall supersede sections 1 and 2 of this act.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk