

SENATE FILE NO. SF0079

Education-student data security-2.

Sponsored by: Select Committee on Statewide Education
Accountability

A BILL

for

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

4

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

6

7 **Section 1.** W.S. 21-2-202(a)(xxxiv), as amended by
8 2013 Wyoming Session Laws, Chapter 1, is amended to read:

9

10 **21-2-202. Duties of the director.**

11

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

14

15 (xxxiv) With the department of enterprise
16 technology services, establish criteria for the collection,

1 storage, management and reporting of department of
2 education data related to teacher certification, statewide
3 education accountability and assessment and the
4 administration of the school finance system. In carrying
5 out this paragraph, the director and the department of
6 enterprise technology services shall develop a data
7 security plan that includes:

8
9 (A) Guidelines for authorizing access to
10 student data, including authentication of authorized
11 access;

12
13 (B) Privacy compliance standards;

14
15 (C) Privacy and security audits;

16
17 (D) Breach planning, notification and
18 procedures pertaining thereto;

19
20 (E) Data retention and disposition
21 policies;

22

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

4
5 (G) Routine and ongoing compliance with the
6 federal Family Educational Rights and Privacy Act (FERPA)
7 and other privacy laws and policies; and

8
9 (H) Prohibition of the sale of student data
10 to private entities or organizations.

11
12 **Section 2.** On or before November 1, 2014, the
13 director of the department of education and the director of
14 enterprise technology services shall report to the joint
15 education interim committee on the development and
16 implementation of the data security plan required under
17 this act.

18
19 **Section 3.** W.S. 21-2-202(a)(xxxiv), as in effect
20 prior to the enactment of 2013 Wyoming Session Laws,
21 Chapter 1, is amended to read:

22
23 **21-2-202. Duties of the state superintendent.**
24

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

3

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

13

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

17

18 (B) Privacy compliance standards;

19

20 (C) Privacy and security audits;

21

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

24

1 (E) Data retention and disposition
2 policies;

3

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

7

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

11

12 (H) Prohibition of the sale of student data
13 to private entities or organizations.

14

15 **Section 4.** On or before November 1, 2014, the state
16 superintendent and the director of enterprise technology
17 services shall report to the joint education interim
18 committee on the development and implementation of the data
19 security plan required under this act.

20

21 **Section 5.**

22

23 (a) Sections 1 and 2 of this act are effective July
24 1, 2014, only if sections 3 and 4 of this act are not

1 effective as provided by subsection (b) of this section.

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3 (b) If a final order by the district court of Laramie
4 County, Wyoming, is issued implementing without change the
5 final ruling of the Wyoming Supreme Court issued January
6 28, 2014, in the case of Kerry and Clara Powers, on behalf
7 of themselves and the citizens of Wyoming, and Cindy Hill,
8 on behalf of herself and as the Superintendent of Public
9 Instruction v. State of Wyoming and Matthew H. Mead,
10 Governor, in his official capacity [Docket No. S-13-0052],
11 then upon expiration of time for appeal of that order, or
12 if appealed, upon issuance of a final order or mandate of
13 the Wyoming Supreme Court confirming the district court
14 final order, the Governor shall certify the entry of the
15 district court final order. The Governor shall immediately

16

1 file any certification under this section together with the
2 final order with the secretary of state. If the
3 certification is filed with the secretary of state after
4 July 1, 2014, sections 3 and 4 of this act are effective
5 upon filing and shall supersede sections 1 and 2 of this
6 act. If the certification is filed with the secretary of
7 state before July 1, 2014, sections 3 and 4 of this act are
8 effective July 1, 2014 and shall supersede sections 1 and 2
9 of this act.

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(END)