

## HOUSE BILL NO. HB0179

Privacy in education.

Sponsored by: Representative(s) Hutchings, Hunt, Kroeker,  
Loucks and Winters and Senator(s) Geis

A BILL

for

1 AN ACT relating to public education; providing for consent  
2 prior to collection, storage, access or sharing of  
3 student's educational or personal information; providing  
4 for retention of consents; providing for penalties; and  
5 providing for effective dates.

6

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

8

9 **Section 1.** W.S. 21-2-205 is created to read:

10

11 **21-2-205. Privacy in education act; penalty.**

12

13 (a) Any data that is or may be construed to be  
14 related to any student's education or to any student's  
15 personal information that any public entity desires to  
16 collect, store or access shall not be collected, stored or

1 accessed without the express written consent of the  
2 student, or the student's parents or guardians if the  
3 student is a minor. The student, or the student's parents  
4 or guardians in the case of a minor, shall be explicitly  
5 informed as to what specific data will be collected, how it  
6 will be collected, the name and contact information of the  
7 entity collecting the data and for what purpose the data is  
8 being collected.

9

10 (b) Any data that is or may be construed to be  
11 related to any student's education or to any student's  
12 personal information that is collected, stored or accessed  
13 by any public entity shall not be shared with any other  
14 public or private entity without the express written  
15 consent of the student, or the student's parents or  
16 guardians if the student is a minor. The student, or the  
17 student's parents or guardians in the case of a minor,  
18 shall be explicitly informed as to what specific data will  
19 be shared, the name and contact information of the entity  
20 with whom the data will be shared, for what purpose the  
21 data is being shared and how the data will be used.

22

23 (c) The consent required under subsections (a) and  
24 (b) of this section shall be obtained each calendar year in

1 which data is collected or shared. Written consent forms  
2 shall be stored at the site of the entity that originates  
3 the request for data collection or data sharing and shall  
4 be accessible by the student, and the student's parents and  
5 guardians if the student is a minor, for twenty (20) years  
6 after the data collection or data sharing occurs.

7

8 (d) Any violation of this section is a misdemeanor  
9 punishable by a fine of not more than one thousand dollars  
10 (\$1,000.00).

11

12 **Section 2.** W.S. 21-2-204(h)(iii) and  
13 21-16-1308(c)(intro) are amended to read:

14

15 **21-2-204. Wyoming Accountability in Education Act;**  
16 **statewide education accountability system created.**

17

18 (h) Measured performance results obtained and  
19 collected pursuant to this section, together with  
20 subsequent actions responding to results, shall be combined  
21 with other information and measures maintained and acquired  
22 under W.S. 21-2-202(a)(xxi), 21-2-304(a)(v)(H),  
23 21-3-110(a)(xxiv) and otherwise by law, to be used as the  
24 basis of a statewide system for providing periodic and

1 uniform reporting on the progress of state public education  
2 achievement compared to established targets. The statewide  
3 accountability system shall include a process for  
4 consolidating, coordinating and analyzing existing  
5 performance data and reports for purposes of aligning with  
6 the requirements of this section and for determinations of  
7 student achievement incorporated into the statewide system.  
8 In establishing a reporting system under this subsection,  
9 the department shall describe the performance of each  
10 public school in Wyoming. The performance report shall:

11

12 (iii) Subject to W.S. 21-2-205, provide  
13 longitudinal information to track student performance on a  
14 school, district and statewide basis;

15

16 **21-16-1308. Administration; rules and regulations.**

17

18 (c) Subject to W.S. 21-2-205, the department shall  
19 establish annual reporting procedures for purposes of  
20 policy analysis and program evaluation and providing  
21 accurate data to the legislature and governor relative to  
22 the program's impact on the state and on students. In  
23 developing the annual reporting procedure the department  
24 shall consult with the University of Wyoming and community

1 college financial aid officers and registrars or their  
2 designees. It is the intention of the legislature that the  
3 reporting system and the requirements thereof shall be  
4 applicable to all recipients of scholarships under this  
5 article. Compliance with this section shall be made a  
6 condition of receiving a scholarship under this article.  
7 For any student attending more than one (1) eligible  
8 institution, the home institution shall be responsible for  
9 data reporting for that student, and any other eligible  
10 institution shall cooperate as necessary with the home  
11 institution to fulfill that duty. The reporting system  
12 shall include the following information:

13

14 **Section 3.** W.S. 21-2-202(a)(xxxiv) and 21-2-203(a),  
15 as amended by 2013 Wyoming Session Laws, Chapter 1, are  
16 amended to read

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18 **21-2-202. Duties of the director.**

19

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

22

23 (xxxiv) Subject to W.S. 21-2-205, with the  
24 department of enterprise technology services, establish

1 criteria for the collection, storage, management and  
2 reporting of department of education data related to  
3 teacher certification and the administration of the school  
4 finance system.

5

6 **21-2-203. School district data collection and funding**  
7 **model administration; duties and responsibilities**  
8 **specified; data advisory committee; school district**  
9 **compliance.**

10

11 (a) Subject to W.S. 21-2-205, the department shall  
12 collect data for the state's school finance system and in  
13 accordance with rule and regulation of the director,  
14 administer the Wyoming education resource block grant model  
15 adopted by the Wyoming legislature pursuant to W.S.  
16 21-13-309. As used in this section, "school finance system"  
17 means all statutes related to the terms and conditions  
18 under which funds from Wyoming sources are made available  
19 under Wyoming law to the public schools for school  
20 operations. The school finance system established following  
21 a 1995 Wyoming supreme court decision, and subsequently  
22 modified and recalibrated as required under W.S.  
23 21-13-309(t), is extremely complex and requires timely and  
24 accurate data to be administered fairly and accurately. It

1 is essential that a single entity be established to ensure  
2 that fair and accurate administration is accomplished.

3

4 **Section 4.** W.S. 21-2-202(a)(xxxiv) and 21-2-203(a),  
5 as in effect prior to enactment of 2013 Wyoming Session  
6 Laws, Chapter 1, are amended to read:

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8 **21-2-202. Duties of the state superintendent.**

9

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

12

13 (xxxiv) Subject to W.S. 21-2-205, with the department  
14 of enterprise technology services, establish criteria for  
15 the collection, storage, management and reporting of  
16 department of education data related to teacher  
17 certification and the administration of the school finance  
18 system.

19

20 **21-2-203. School district data collection and funding**  
21 **model administration; duties and responsibilities**  
22 **specified; data advisory committee; school district**  
23 **compliance.**

24

1           (a) Subject to W.S. 21-2-205, the department shall  
2 collect data for the state's school finance system and in  
3 accordance with rule and regulation of the state  
4 superintendent, administer the Wyoming education resource  
5 block grant model adopted by the Wyoming legislature  
6 pursuant to W.S. 21-13-309. As used in this section,  
7 "school finance system" means all statutes related to the  
8 terms and conditions under which funds from Wyoming sources  
9 are made available under Wyoming law to the public schools  
10 for school operations. The school finance system  
11 established following a 1995 Wyoming supreme court  
12 decision, and subsequently modified and recalibrated as  
13 required under W.S. 21-13-309(t), is extremely complex and  
14 requires timely and accurate data to be administered fairly  
15 and accurately. It is essential that a single entity be  
16 established to ensure that fair and accurate administration  
17 is accomplished.

18

19           **Section 5.**

20

21           (a) Sections 1 and 2 of this act are effective July  
22 1, 2014.

23

24           (b) Section 3 of this act is effective July 1, 2014,



1 except as provided by subsection (c) of this  
2 section.(c) If a final order by the district court of  
3 Laramie County, Wyoming, is issued implementing without  
4 change the final ruling of the Wyoming Supreme Court issued  
5 January 28, 2014, in the case of Kerry and Clara Powers, on  
6 behalf of themselves and the citizens of Wyoming, and Cindy  
7 Hill, on behalf of herself and as the Superintendent of  
8 Public Instruction v. State of Wyoming and Matthew H. Mead,  
9 Governor, in his official capacity [Docket No. S-13-0052],  
10 then upon expiration of time for appeal of that order, or  
11 if appealed, upon issuance of a final order or mandate of  
12 the Wyoming Supreme Court confirming the district court  
13 final order, the Governor shall certify the entry of the  
14 district court final order. The Governor shall immediately  
15 file any certification under this section together with the  
16 final order with the secretary of state. If the  
17 certification is filed with the secretary of state after  
18 July 1, 2014, section 4 of this act is effective upon  
19 filing and shall supersede section 3 of this act. If the  
20 certification is filed with the secretary of state before  
21 July 1, 2014, section 4 of this act is effective July 1,  
22 2014 and shall supersede section 3 of this act.

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(END)