



Comparison of New Student Data Privacy and Security Laws

(See Explanatory Note and Key to the Right)

	# of States With Provision	FERPA	COPPA in Schools	CA	CA	CO	FL	ID	IN	KS	KY	KY	LA	LA	MO	NH	NY	NC	RI	TN	WV	WY
Bill Number	N/A			SB 1177	AB 1584	HB 1294	SB 188	SB 1372	HB 1003	SB 367	HB 5	HB 232	HB 1076	HB 1283	HB 1490	HB 1587	State Budget 2014-2015	SB 815	SB 3095	HB 1549	HB 4316	SF 79
Effective Date	N/A			1/1/2016	9/29/2014	8/16/2014	5/12/2014	3/26/2014	6/30/2014	2014-2015 School Year	1/1/2015	7/15/2014	8/1/2014	8/1/2014	8/28/2014	7/1/2014	3/31/2014	7/1/2014	6/30/2014	7/1/2014	6/6/2014	3/10/2014
Impacts State Data	N/A	✓				✓		✓	✓		✓			✓	✓	✓	✓	✓		✓	✓	✓
Impacts Local Data	N/A	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Definitions																						
Encryption	1																					
Purpose / Processing	2			X								X										
Disclosure	1	X	X														X					
Personally Identifiable Information	10	X	X	X	X			X		X	X		X				X	X			X	
Security Breach	1										X											
Education Records / Student Data	7	X				X		X		X	X						X		X			
Biometric Information	3	X								X						X				X		
Third-Party Contractor / Vendor / Operator	5		X	X	X		X									X	X					
Cloud Computing	2													X					X			
State Level Requirements & Restrictions																						
Restricts Data Sharing from SLDS with Vendors	6	X								X					X	X	X	X				X
Restricts General 'Commercial' Use of Data by Vendors	2	O	X										X									X
Restricts Data Use for Vendor Advertising and Marketing	3	O	O										X		X		X					
Restricts Data Use by Vendors Providing Testing Services	1	O														X						
Restricts State Collection/Use of Biometric Data	9					X	X	X							X	X	X	X		X	X	
Restricts Use of State Data to only Tracking Student Progress	1																			X		
Requires Development of a Data Security Plan for SLDS	9					X		X			X				X		X	X		X	X	X
Creates a Parent's Bill of Rights Governing State Data	1																X					
Creates a State Chief Privacy Officer	2																X					X
Requires the State to Publicly Post Index of Data Elements	7					X		X							X	X	X			X	X	
Requires State to Publicly Disclose Each Data Transfer	3													X		X		X				
Local Level Requirements & Restrictions																						
Restricts Sharing Local Data with Vendors	4	X	X	X								X	X						X			?
Restricts Sharing Data Stored in SLDS with Vendors	1	X								X												
Restricts General 'Commercial' Use of Data by Vendors	5	O	X					X				X	X				X		X			
Restricts Data Use for Vendor Advertising and Marketing	7	O	O	X	X			X				X	X				X		X			
Creates a Parent's Bill of Rights with Vendor Requirements	1																X					
Requires Vendors to Encrypt Data	1																X					
Requires District to Publicly Disclose Each Data Transfer to a Vendor	1													X								
Requires Adoption of a Local Data Security Plan	4			X							X						X			X		
Requires Parental Notification of Rights by Local Ed Agency	6	X	X				X			X							X	X		X	X	
Restricts Local Collection/Use of Biometric Data	4						X			X			X							X		
Requires Unique Student ID Numbers	2						X						X									
Required Contract Provisions with Service Vendors																						
Guidelines for authorizing data access	3	O	X							X		X					X					
Statement of Data Ownership	1	O	O	X																		
Specific Uses of Data by Vendor	3	O	X					X		X							X					
Breach Planning & Notification Policies	2			X							X											
Cost of Breach Notifications (Negotiable)	1										X											
Data Disposition / Destruction Requirements	5	O	X	X				X		X		X					X					
Data Security & Privacy Provisions	11	O	X	X	X			X	X	X		X		X		X	X			X	X	
Statement of Parental Rights	2	O	X	X													X					
Contractor Training on Data Privacy Laws	2			X													X					
Statement on Commercial Activities Prohibition	1	O	X	X																		
Penalties for Non-Compliance	7					X		X	X							X		X		X	X	
Vendor Breach Provisions																						
Vendor Notifies Education Agency	2										X						X					
Vendor Notifies Affected Individuals	0																					
Vendor Pays Cost of Notifications (Non-negotiable)	1																X					
Enforcement																						
State or Federal Investigatory Authority	4	X	X								X				X		X					X
Financial Penalties on Vendors	4		X					X					X		X		X					
On-site Inspection of Vendors	1																X					
Authority to Require Vendor Testimony	2														X		X					
Vendor Prohibition from Future Data Access	1	X															X					
Contract Voided for Non-Compliance	1			X																		
Nothing Creates a Private Right of Action Against Vendors	1										X											
Possible Criminal Charges	1												X									
Unspecified Legal Remedies	2										X						X					

Explanatory Note & Guide

This chart is intended to be a quick reference guide to the state laws on student data privacy and security which were passed in the 2014 legislative session. It is not intended to be legal guidance, and all analysis of differences between state law and federal law is based on SIIA's interpretation and may vary from interpretations of others. SIIA members should review (with counsel as needed) the accompanying state profiles as well as the laws themselves to determine exact impacts on your business practices.

Find more information at SIIA's [Ed Policy Forum](#).

Chart Guide:
X = Indicates a provision exists in current FERPA or COPPA law
O = Indicates there is no provision in current FERPA or COPPA law, but vendors in the field typically follow such a requirement.

X = Indicates a provision outlined in a new law which is equal or substantially similar to a provision under current FERPA/COPPA law.
X = Indicates a provision in a new law that has either limited impact on vendors or is requiring a practice typically followed voluntarily by vendors in meeting current FERPA/COPPA laws.
X = Indicates a provision with new, additional direct or substantial impact on vendors.

Please note that this SIIA summary and analysis is intended for SIIA members only, should not substitute for a service provider's detailed review of the new laws and regulations, and should not be taken as formal legal guidance. SIIA recommends that each operator reviews the laws in the context of its own products/services, practices and policies and makes independent determinations (with counsel as needed) of its practices and policies necessary to comply with the updated regulations.

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