S T A T E O F N E W Y O R K

6116

2015-2016 Regular Sessions

I N A S S E M B L Y

March 16, 2015

Introduced by M. of A. CLARK -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to data sharing between the office of children and family services and the department of education

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The social services law is amended by adding a new section 393 to read as follows:

S 393. DATA SHARING. 1. THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A WRITTEN MEMORANDUM OF UNDERSTANDING PROVIDING FOR THE DATA SHARING OF INFORMATION RELATING TO THE ENROLLMENT OF STUDENTS IN THE PUBLIC SCHOOL SYSTEM AND THEIR PLACEMENTS IN THE FOSTER CARE OR JUVENILE JUSTICE SYSTEMS.

2. THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE DEPARTMENT OF EDUCATION WILL: (A) ENSURE THAT ALL DATA COLLECTED, MANAGED, STORED, TRANSMITTED, USED, REPORTED, AND DESTROYED IS DONE SO IN A WAY TO PRESERVE AND PROTECT INDIVIDUAL AND COLLECTIVE PRIVACY RIGHTS AND ENSURE CONFIDENTIALITY AND SECURITY OF COLLECTED DATA; (B) MAINTAIN COMPLIANCE WITH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA), 20 U.S.C. SECTION 1232G, AT A MINIMUM; AND (C) BE MINDFUL THAT THE APPROPRIATE USE OF DATA IS ESSENTIAL TO ACCELERATING STUDENT LEARNING, PROGRAM AND FINANCIAL EFFECTIVENESS AND EFFICIENCY, AND POLICY DEVELOPMENT.

3. THE DEPARTMENT OF EDUCATION SHALL NOT COLLECT INDIVIDUAL STUDENT DATA DIRECTLY FROM STUDENTS OR FAMILIES. EACH STUDENT WILL BE ASSIGNED A UNIQUE STUDENT IDENTIFIER UPON ENROLLMENT INTO THE STUDENT MANAGEMENT SYSTEM TO ENSURE COMPLIANCE WITH THE PRIVACY RIGHTS OF THE STUDENT AND HIS OR HER PARENTS OR GUARDIANS.

4. DATA COLLECTED BY THE DEPARTMENT OF EDUCATION MUST BE MAINTAINED WITHIN A SECURE INFRASTRUCTURE ENVIRONMENT. ACCESS TO THIS DATA MUST BE LIMITED TO PREIDENTIFIED STAFF WHO ARE GRANTED CLEARANCE RELATED TO THEIR JOB RESPONSIBILITIES OF FEDERAL REPORTING, STATE FINANCIAL MANAGEMENT, PROGRAM ASSESSMENT, AND POLICY DEVELOPMENT.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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