STATE OF NEW YORK

3323

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. EPSTEIN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring consent prior to sharing certain student information

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph e of subdivision 5 of section 2-d of the education law, as added by section 1 of subpart L of part AA of chapter 56 of the laws of 2014, is amended to read as follows:

e. Each educational agency that enters into a contract or other written agreement with a third party contractor under which the third party contractor will receive student data or teacher or principal data shall ensure that such contract or agreement includes a data security and privacy plan that outlines how all state, federal, and local data security and privacy contract requirements will be implemented over the life of the contract, consistent with the educational agency's policy on data security and privacy. Such plan shall include, but shall not be limited to, a signed copy of the parents bill of rights for data privacy and security, and a requirement that any officers or employees of the third party contractor and its assignees who have access to student data or teacher or principal data have received or will receive training on the federal and state law governing confidentiality of such data prior to receiving access. **No student data shall be released pursuant to this paragraph without obtaining written consent of the parent or eligible student.**

§ 2. Section 2-c of the education law is amended by adding a new subdivision 4 to read as follows:

4. No educational agency shall release personally identifiable information to a SLISP or data dashboard operator without obtaining written consent of the parent or eligible student, as such terms are defined in section two-d of this article.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.

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

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