

# STATE OF NEW YORK

1037

2023-2024 Regular Sessions

## IN SENATE

January 9, 2023

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

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

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

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

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