

Chapter 69

2022 Regular Session

Subject Government Data Practices: Educational Data

Bill H.F. 2353

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Date June 1, 2022

Overview

This act combines the contents of two different bills regarding educational data: H.F. 341, which dealt with educational technology and student privacy and contained the provisions in sections 1 to 4 of this act; and H.F. 2353, which contained the classification of “education support services data” in section 5 of this act.

Section 1 to 4 of this act amend the section of the Minnesota Government Data Practices Act that governs private “educational data” on students. They impose new student privacy protections on “technology providers,” i.e. companies that contract with schools to provide educational hardware or software for student use and that receive educational data as a result of that contract. They also impose new student privacy protections for educational hardware or software. Postsecondary institutions and national assessment providers (such as the College Board, which administers the SAT exam) are exempt from these new provisions.

Section 5 defines and classifies as private “education support services data,” which are data on specialized programs designed to eliminate educational disparities by coordinating various government services for participating students.

Summary

Section	Description
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1	Definitions.
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	Adds new definitions for “parent,” “school-issued device,” and “technology provider.” Note that a “school-issued device” may include hardware or software.
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Section	Description
2	<p>Technology providers.</p> <p>Places transparency obligations and privacy-protective restrictions on technology providers with regard to educational data that the technology provider creates, receives, or maintains as part of its contract with a school. Among other provisions, technology providers are prohibited from selling or disseminating educational data, and are prohibited from using the educational data for commercial purposes. Schools are also required to notify parents and students of contracts with technology providers regarding curriculum, testing, or assessment and provide the parent or student an opportunity to inspect and pose questions about the contracts.</p>
3	<p>School-issued devices.</p> <p>Prohibits a government entity or technology provider from accessing or monitoring a student’s school-issued device, subject to the exceptions enumerated in paragraph (b). Requires notice to students or parents if monitoring occurs pursuant to certain exceptions.</p>
4	<p>Application to postsecondary institutions; exemption.</p> <p>Exempts postsecondary institutions from sections 2 and 3 of the bill. States that a “nonprofit national assessment provider” (such as the College Board, which administers the SAT exam) is exempt from sections 2 and 3 of the bill for purposes of providing specified services and so long as the provider receives student or parent consent.</p>
5	<p>Education support services data.</p> <p>Defines and classifies “education support services data” as private data on individuals. In 2020, Hennepin County applied for and received a temporary classification from the Department of Administration to maintain the privacy of data that it collects under its new Educational Support Services Program (ESS).¹ This temporary classification was submitted to the legislature in January 2021. Pursuant to section 13.06, subdivision 7, the temporary classification will expire August 1, 2022.</p>



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¹ Hennepin County’s application for the temporary classification and the department’s determination are available online at <https://mn.gov/admin/data-practices/data/temp-classification/applications/>.