

By: Senator(s) Hill, Tindell, Gandy

To: Education

SENATE BILL NO. 2737

1 AN ACT TO PROHIBIT THE STATE BOARD OF EDUCATION, THE STATE  
 2 DEPARTMENT OF EDUCATION OR ANY LOCAL SCHOOL DISTRICT FROM  
 3 EXPENDING ANY FUNDS FOR THE IMPLEMENTATION OF ANY STATEWIDE  
 4 LONGITUDINAL DATA SYSTEM (SLDS) TO TRACK STUDENTS BEYOND K-12 OR  
 5 FROM RELEASING ANY PERSONALLY IDENTIFIABLE STUDENT OR EDUCATIONAL  
 6 INFORMATION TO AN OUTSIDE ENTITY; TO REPEAL SECTIONS 37-154-1 AND  
 7 37-154-5, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE  
 8 DEVELOPMENT OF A STATE LONGITUDINAL DATA SYSTEM (SLDS) AND  
 9 ESTABLISH A MULTIAGENCY DATABASE TO TRACK EDUCATION AND STUDENT  
 10 OUTCOMES IN THE WORKFORCE; AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** (1) On and after July 1, 2014, neither the State  
 13 Board of Education, the State Department of Education, nor any  
 14 other local school district shall:

15 (a) Expend any funds on implementation, construction,  
 16 enhancement or expansion of any statewide longitudinal data system  
 17 designed to track students beyond their K-12 careers, or to  
 18 compile their personal, nonacademic information beyond what is  
 19 necessary either for administrative functions directly related to  
 20 the student's education, for evaluation of academic programs and  
 21 student progress, or for compliance with the requirements of the



22 United States Department of Education as outlined in paragraph (e)  
23 of this subsection;

24 (b) Share any personally identifiable information  
25 compiled on students or teachers with any entity outside the State  
26 of Mississippi, except as provided in this section; provided,  
27 however, that this shall not include hard data storage located in  
28 safe locations outside the state, or cloud data storage as long as  
29 the cloud computing provider agrees in writing that it will not  
30 redisclose such information or use the information for any  
31 secondary purposes that benefit the provider or any third party,  
32 including, but not limited to, online behavioral advertising,  
33 creating or correcting an individual or household profile  
34 primarily for the provider's benefit, the sale of data for any  
35 commercial purpose, or any other commercial for-profit activity;

36 (c) Share any personally identifiable information about  
37 any student or teacher with any entity that intends to use that  
38 information for development of commercial products or services or  
39 that intends to transfer that data to any other entity for use in  
40 development of commercial products or services;

41 (d) Share any personally identifiable information about  
42 any student or teacher with any entity inside the State of  
43 Mississippi unless that entity is an education agency or  
44 institution that does not intend to:

45 (i) Use the data to develop commercial products or  
46 services;



47 (ii) Transfer the data to any other entity to use  
48 in development of commercial products or services; or

49 (iii) Use the data or transfer the data for  
50 economic or workforce development planning; or

51 (e) Share any personally identifiable information on  
52 students and teachers with the United States Department of  
53 Education unless:

54 (i) Such sharing is required by the United States  
55 Department of Education as a condition of receiving a federal  
56 education grant;

57 (ii) The United States Department of Education  
58 agrees in writing to use the data only to evaluate the program or  
59 programs funded by the grant;

60 (iii) The United States Department of Education  
61 agrees in writing that the data will not be used for any research  
62 beyond that related to evaluation of the program or programs  
63 funded by the grant, unless the parent or guardian of any student,  
64 and any teacher, whose data will be used for such research  
65 affirmatively consents in writing to that use;

66 (iv) The United States Department of Education  
67 agrees in writing to destroy the data upon completion of the  
68 evaluation of the program or programs for which the data were  
69 compiled; and

70 (v) The grant or program in connection with which  
71 the data are required is one authorized by federal statute or by



72 federal rule properly promulgated under the federal Administrative  
73 Procedure Act, 5 USC Section 500 et seq.

74 (2) If the United States Department of Education requires,  
75 as a condition of making a federal education grant that the grant  
76 recipient shares student or teacher data under circumstances that  
77 do not comply with paragraph (e) of subparagraph (v) of subsection  
78 (1), the grant recipient shall provide written notification to the  
79 parents or guardians of every student whose data will be shared or  
80 every teacher whose data will be shared of the following:

81 (a) That the grant recipient has been required to turn  
82 over the student's or teacher's data to the United States  
83 Department of Education;

84 (b) That neither the grant recipient nor any other  
85 entity within the State of Mississippi will have control over the  
86 use or further sharing of that data; and

87 (c) The contact information, including telephone number  
88 and e-mail address, of the United States Department of Education  
89 official who demands the data.

90 (3) No state or national student assessment shall be adopted  
91 or administered in this state that collects any type of  
92 psychological data, including assessment of noncognitive skills or  
93 attributes, psychological resources, mindsets, learning  
94 strategies, effortful control, attitudes, dispositions, social  
95 skills, or other interpersonal or intrapersonal resources.



96           **SECTION 2.** Sections 37-154-1 and 37-143-3, Mississippi Code  
97 of 1972, which provide for the development of a State Longitudinal  
98 Data System (SLDS) and establish a multiagency database to track  
99 education and student outcomes in the workforce, are hereby  
100 repealed.

101           **SECTION 3.** This act shall take effect and be in force from  
102 and after July 1, 2014.

