

1.1 **Senator Mathews from the Committee on Civil Law and Data Practices Policy, to**
1.2 **which was referred**

1.3 **S.F. No. 2307:** A bill for an act relating to education; creating the Student Data Privacy
1.4 Act; providing penalties; amending Minnesota Statutes 2020, section 13.32, subdivision 1,
1.5 by adding subdivisions.

1.6 Reports the same back with the recommendation that the bill be amended as follows:

1.7 Page 1, lines 8 to 11, delete the new language and reinstate the stricken language

1.8 Page 2, delete lines 7 and 8 and insert:

1.9 "(c) "Parent" means a parent of a student and includes a natural parent, a guardian, or
1.10 an individual acting as a parent in the absence of a parent or a guardian."

1.11 Page 2, line 9, delete "a technological device" and insert "hardware or software"

1.12 Page 2, line 21, delete "technological devices" and insert "a school-issued device" and
1.13 delete "or to provide access"

1.14 Page 2, line 22, delete "to a software or online application"

1.15 Page 2, line 25, delete "2021-2022" and insert "2022-2023"

1.16 Page 2, line 30, delete "or" and after "maintained" insert ", or disseminated"

1.17 Page 3, line 23, delete "unless classified as not public data under any other"

1.18 Page 3, line 24, delete "applicable law"

1.19 Page 3, after line 24, insert "(h) A parent or student must be provided an opportunity to

1.20 opt out of any program or activity that allows a technology provider to access a student's

1.21 educational data. The right to opt out does not apply to programs or activities that are

1.22 essential to maintain school operations."

1.23 Page 3, line 25, delete "(h)" and insert "(i)"

1.24 Page 4, line 1, delete ", if applicable,"

1.25 Page 4, line 2, after "out" insert "under paragraph (h)"

1.26 Page 4, line 4, delete "(i)" and insert "(j)"

1.27 Page 4, line 6, delete "(j)" and insert "(k)"

1.28 Page 4, line 7, after "out" insert "under paragraph (h)"

1.29 Page 4, line 9, delete "2021-2022" and insert "2022-2023"

1.30 Page 4, delete lines 21 and 22 and insert:

- 2.1 "(1) the activity is limited to a noncommercial educational purpose for instruction by
- 2.2 district employees, or technical support by district employees, and notice is provided in
- 2.3 advance;"
- 2.4 Page 4, delete lines 24 to 26 and insert:
- 2.5 "(3) the public educational agency or institution is notified or becomes aware that the
- 2.6 device is missing or stolen;"
- 2.7 Page 4, line 28, delete the period and insert a semicolon
- 2.8 Page 4, after line 28, insert:
- 2.9 "(5) the activity is necessary to comply with federal or state law; or
- 2.10 (6) the activity is necessary to participate in federal or state funding programs, including,
- 2.11 but not limited to the E-Rate program."
- 2.12 Page 5, line 2, delete "if" and insert "at any time when"
- 2.13 Page 5, line 3, after "safety" insert " , but must instead be given within 72 hours after
- 2.14 that imminent threat has ceased"
- 2.15 Page 5, line 4, delete "2021-2022" and insert "2022-2023"
- 2.16 Page 5, line 7, delete "nonpublic schools" and insert "postsecondary institutions" and
- 2.17 delete "(a) Notwithstanding any law"
- 2.18 Page 5, delete lines 8 to 14
- 2.19 Page 5, line 15, delete "(c)" and insert "(a)"
- 2.20 Page 5, after line 16, insert:
- 2.21 "(b) Subdivisions 13 and 14 shall not apply to a nonprofit national assessment provider
- 2.22 solely for purposes of providing access to employment, educational scholarships and
- 2.23 programs, financial aid, or postsecondary educational opportunities, if the provider secures
- 2.24 express written consent of the student or the student's parent or guardian, in response to
- 2.25 clear and conspicuous notice."
- 2.26 Page 5, line 17, delete "2021-2022" and insert "2022-2023"
- 2.27 And when so amended the bill do pass and be re-referred to the Committee on Education
- 2.28 Finance and Policy. Amendments adopted. Report adopted.

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Andrew Mathews

 (Committee Chair)

04/01/22

SENATEE

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March 31, 2022.....
(Date of Committee recommendation)