

CHAPTER.....

AN ACT relating to education; requiring the Department of Education to transfer certain data concerning pupils to an archive maintained by the Department; requiring the Department to destroy such data after a certain period of time; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Department of Education to establish an automated system of accountability information that records and tracks certain data relating to the education system, including, without limitation, a system of unique identification for each pupil and the results of the achievement of pupils. (NRS 385A.800) Existing law requires the board of trustees of each school district to collect and provide certain data concerning pupils, as prescribed by the Superintendent of Public Instruction, to the Department of Education. (NRS 385A.810, 385A.820)

This bill requires the Department to: (1) not later than 1 year after a pupil graduates from a high school or otherwise ceases enrollment in a public school in this State, transfer any data concerning the pupil to an archive of data concerning pupils that is maintained by the Department; and (2) redact any personally identifiable information, except for the birth date of the pupil, from the data before making such a transfer.

Existing law: (1) creates the Committee to Approve Schedules for the Retention and Disposition of Official State Records; (2) requires the Committee to review and approve or disapprove the schedules for the retention and disposition of the official state records of each agency, board and commission that is required to create such schedules; and (3) prohibits an official state record from being disposed of in a manner other than the schedule approved by the Committee. (NRS 239.073, 239.077, 239.080, 378.320) This bill: (1) provides that these provisions do not apply to any data concerning pupils that is transferred to an archive maintained by the Department pursuant to this bill; and (2) requires the Department to destroy such data 10 years after a pupil whose data was transferred to such an archive reaches 22 years of age.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall, not later than 1 year after a pupil graduates from a high school or otherwise ceases enrollment in a public school in this State, transfer any data concerning the pupil to an archive of data concerning pupils that is maintained by the Department. Any personally identifiable information, not



including the birth date of the pupil, must be redacted from any data concerning the pupil before being transferred to the archive.

2. Notwithstanding the provisions of NRS 239.080 and 378.320, the Department shall, 10 years after a pupil whose data was transferred pursuant to subsection 1 reaches 22 years of age, destroy the data.

3. As used in this section:

(a) "Data" means any data concerning a pupil that is collected by, or provided to, the Department pursuant to NRS 385A.800, 385A.810 or 385A.820, including, without limitation, a number assigned to a pupil as part of a system of unique identification of each pupil.

(b) "Personally identifiable information" has the meaning ascribed to it in 34 C.F.R. § 99.3.

