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LEGISLATIVE ACTION

Senate

House

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Floor: 3/AD/2R

04/04/2013 05:27 PM

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Senator Galvano moved the following:

**Senate Amendment (with title amendment)**

Delete lines 316 - 345

and insert:

(III) Identification of the FERPA exception relied upon to obtain data.

(IV) Requirements regarding procedures for securing data, including, but not limited to, a data security plan. The Department of Education shall reserve the right to conduct security audits or reviews as necessary.

(V) Requirements limiting the use of data to meet only the purpose stated in the written agreement.

(VI) Requirements establishing disciplinary policies for



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14 organizations and authorized representatives that violate FERPA  
15 or the written agreement.

16 (VII) Prohibitions regarding access to or use of data  
17 obtained pursuant to the written agreement by anyone not  
18 authorized to have such access or use by the department.

19 (VIII) Requirements regarding destruction of data that are  
20 received pursuant to the written agreement and specifications of  
21 when the information must be destroyed.

22 (IX) Requirements regarding background screening of  
23 organizations and authorized representatives.

24 (X) Requirements regarding the assessment of liquidated  
25 damages for unauthorized disclosure of data or for violation of  
26 terms and conditions of the written agreement. In addition, if  
27 the department determines that an organization or authorized  
28 representative, pursuant to subsection (4), has violated the  
29 terms and conditions of the written agreement or FERPA, the  
30 violation, as determined by the department, is grounds for  
31 termination of data access privileges for 10 years. The  
32 department may also impose an administrative penalty of up to  
33 \$1,000 per violation.

34  
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete line 62

38 and insert:

39 agreement to access the Research Engine; providing  
40 termination of data access privileges and an  
41 administrative penalty for violating the written  
42 agreement; requiring the