

HB 1162 -- STUDENT DATA PRIVACY

SPONSOR: Trent

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on General Laws by a vote of 16 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 9 to 0.

This bill prevents public schools from posting or publishing publicly any individually identifiable information about a child, parent, or guardian without consent. Information may be disclosed internally as outlined in the bill.

This bill establishes procedures governing the use of and access to student data by third parties.

Beginning August 28, 2021, any time a school provides access to student data to a contractor, the contractor shall agree to a written contract with the school governing the contractor's access to and use of student data. A contractor shall maintain security practices designed to protect student data. The school shall notify students and parents whose data is affected by the contract within five business days after a contract is executed.

The bill also requires the operators of school websites that collect, maintain, or use student data to maintain security practices designed to protect student data. Operators are prohibited from keeping or using student data except for authorized purposes specified in the bill.

The bill requires notification of the school and affected students and parents if security breaches cause the unauthorized disclosure of student data.

The bill defines "researcher" as a person whose purpose is to develop or contribute to knowledge that is able to be made more widely or generally applicable. The bill outlines procedures for the protection of personally identifiable information (PII) for research purposes. A local educational agency shall not disclose any personal data of any personnel, faculty, or staff without first notifying the individual personnel, and providing an opt-out option. The local educational agency must provide annual professional development training to all personnel relating to personal data protection, student PII protection, federal and state privacy laws, and best practices for protection of education-related data.

The bill also establishes a task force to study issues relating to student data privacy. The members of the task force are specified

in the bill and include two members appointed by the Speaker of the House of Representatives. The task force must submit a report to the Joint Committee on Education and to the State Board of Education before January 31, 2022.

This bill is similar to HB 2560 (2020) and HB 592 (2019).

PROPONENTS: Supporters say that this bill protects privacy for students and educators. The school system can still use data to improve educational outcomes, but third party vendors cannot readily obtain that data. This bill allows parents and students to control their information, and to prevent large disclosures from the companies collecting data or breaches of those companies.

Testifying for the bill were Representative Trent; Arnie C. Dienoff; Mary Byrne, Ed.D.; and Brooke Henderson.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.