

By: VanDeaver

H.B. No. 363

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to restricting the use of personally identifiable student  
3 information by an operator of a website, online service, online  
4 application, or mobile application used for a school purpose and  
5 providing an exemption from certain restrictions for a national  
6 assessment provider.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Section 32.155, Education Code, is amended to  
9 read as follows:

10 Sec. 32.155. PROTECTION OF COVERED INFORMATION. (a) An  
11 operator must implement and maintain reasonable security  
12 procedures and practices designed to protect any covered  
13 information from unauthorized access, deletion, use, modification,  
14 or disclosure.

15 (b) Any operator that has been approved by the agency or had  
16 a product adopted by the agency and possesses any covered  
17 information must use the unique identifier established by the Texas  
18 Student Data System (TSDS) or a successor data management system  
19 maintained by the agency for any account creation, data upload,  
20 data transmission, analysis, or reporting to mask all personally  
21 identifiable student information. The operator shall adhere to a  
22 state-required student data sharing agreement that includes an  
23 established unique identifier standard for all operators as  
24 prescribed by the agency.

1       (c) In addition to including the unique identifier in  
2 releasing information as provided by Subsection (b), an operator  
3 may include any other data field identified by the agency or by a  
4 school district, open-enrollment charter school, regional  
5 education service center, or other local education agency as  
6 necessary for the information being released to be useful.

7       (d) A school district, open-enrollment charter school,  
8 regional education service center, or other local education agency  
9 may include additional data fields in an agreement with an operator  
10 or the amendment of an agreement with an operator under this  
11 section. An operator may agree to include the additional data  
12 fields requested by a school district, open-enrollment charter  
13 school, regional education service center, or other local education  
14 agency but may not require that additional data fields be included.

15       (e) A school district, open-enrollment charter school,  
16 regional education service center, or other local education agency  
17 may require an operator that contracts directly with the entity to  
18 adhere to a state-required student data sharing agreement that  
19 includes the use of an established unique identifier standard for  
20 all operators as prescribed by the agency.

21       (f) A national assessment provider who receives covered  
22 information from a student or from a school district or campus on  
23 behalf of a student is not required to comply with Subsection (b) or  
24 (e) if the provider receives the covered information solely to  
25 provide access to:

26               (1) employment, educational scholarships, financial  
27 aid, or postsecondary educational opportunities; or

1           (2) educational resources for middle school, junior  
2 high school, or high school students.

3           (g) The commissioner may adopt rules as necessary to  
4 administer this section.

5           SECTION 2. This Act takes effect September 1, 2023.