

1-1 By: VanDeaver (Senate Sponsor - Perry) H.B. No. 363  
 1-2 (In the Senate - Received from the House April 28, 2021;  
 1-3 May 3, 2021, read first time and referred to Committee on  
 1-4 Education; May 10, 2021, reported favorably by the following vote:  
 1-5 Yeas 11, Nays 0; May 10, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Hall	X			
1-11 Hughes	X			
1-12 Menéndez	X			
1-13 Paxton	X			
1-14 Perry	X			
1-15 Powell	X			
1-16 Schwertner	X			
1-17 West	X			

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to restricting the use of personally identifiable student  
 1-22 information by an operator of a website, online service, online  
 1-23 application, or mobile application used for a school purpose and  
 1-24 providing an exemption from certain restrictions for a national  
 1-25 assessment provider.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 32.155, Education Code, is amended to  
 1-28 read as follows:

1-29 Sec. 32.155. PROTECTION OF COVERED INFORMATION. (a) An  
 1-30 operator must implement and maintain reasonable security  
 1-31 procedures and practices designed to protect any covered  
 1-32 information from unauthorized access, deletion, use, modification,  
 1-33 or disclosure.

1-34 (b) Any operator that has been approved by the agency or had  
 1-35 a product adopted by the agency and possesses any covered  
 1-36 information must use the unique identifier established by the Texas  
 1-37 Student Data System (TSDS) or a successor data management system  
 1-38 maintained by the agency for any account creation, data upload,  
 1-39 data transmission, analysis, or reporting to mask all personally  
 1-40 identifiable student information. The operator shall adhere to a  
 1-41 state-required student data sharing agreement that includes an  
 1-42 established unique identifier standard for all operators as  
 1-43 prescribed by the agency.

1-44 (c) In addition to including the unique identifier in  
 1-45 releasing information as provided by Subsection (b), an operator  
 1-46 may include any other data field identified by the agency or by a  
 1-47 school district, open-enrollment charter school, regional  
 1-48 education service center, or other local education agency as  
 1-49 necessary for the information being released to be useful.

1-50 (d) A school district, open-enrollment charter school,  
 1-51 regional education service center, or other local education agency  
 1-52 may include additional data fields in an agreement with an operator  
 1-53 or the amendment of an agreement with an operator under this  
 1-54 section. An operator may agree to include the additional data  
 1-55 fields requested by a school district, open-enrollment charter  
 1-56 school, regional education service center, or other local education  
 1-57 agency but may not require that additional data fields be included.

1-58 (e) A school district, open-enrollment charter school,  
 1-59 regional education service center, or other local education agency  
 1-60 may require an operator that contracts directly with the entity to  
 1-61 adhere to a state-required student data sharing agreement that

2-1 includes the use of an established unique identifier standard for  
2-2 all operators as prescribed by the agency.

2-3 (f) A national assessment provider who receives covered  
2-4 information from a student or from a school district or campus on  
2-5 behalf of a student is not required to comply with Subsection (b) or  
2-6 (e) if the provider receives the covered information solely to  
2-7 provide access to:

2-8 (1) employment, educational scholarships, financial  
2-9 aid, or postsecondary educational opportunities; or

2-10 (2) educational resources for middle school, junior  
2-11 high school, or high school students.

2-12 (g) The commissioner may adopt rules as necessary to  
2-13 administer this section.

2-14 SECTION 2. This Act takes effect September 1, 2023.

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