

By: VanDeaver

H.B. No. 2156

A BILL TO BE ENTITLED

AN ACT

relating to requirements for providers of certain technology services in public schools.

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

SECTION 1. Chapter 32, Education Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. SCHOOL TECHNOLOGY SERVICE PROVIDERS

Sec. 32.301. DEFINITIONS. In this subchapter:

(1) "Parent" includes a person standing in parental relation to a student.

(2) "School service" means an Internet website, mobile application, or online service designed and marketed for use in primary and secondary schools at the direction of teachers or other school employees and designed to collect, maintain, or use student personal information.

(3) "School service provider" means an entity that operates a school service.

(4) "Student personal information" means information that identifies a student or that is linked to information that identifies a student.

Sec. 32.302. TRANSPARENCY OF STUDENT PERSONAL INFORMATION.

A school service provider must provide to students, parents, schools, or teachers:

(1) clear information regarding the type of student

1 personal information collected by the school service provider and
2 the manner in which student personal information is used or shared
3 by the school service;

4 (2) notice of any change to the privacy policy of the
5 school service; and

6 (3) access to student personal information collected
7 by the school service provider and a method to correct any incorrect
8 student personal information.

9 Sec. 32.303. CONTROL OF STUDENT PERSONAL INFORMATION. (a)

10 A school service provider may collect, use, or share student
11 personal information only for purposes authorized by the school or
12 teacher using the school service, or with the consent of a student
13 using the school service or the student's parent.

14 (b) A school service provider may not:

15 (1) sell student personal information;

16 (2) use or share student personal information for the
17 purpose of behaviorally targeting advertisements to students; or

18 (3) use student personal information to create a
19 personal profile of a student other than for supporting purposes
20 authorized by the school or teacher, or with the consent of the
21 student or the student's parent.

22 (c) Before a school service provider uses student personal
23 information in a manner that is inconsistent with the privacy
24 policy of the school service in effect at the time the student
25 personal information is collected, the school service provider must
26 obtain consent from:

27 (1) the student or the student's parent, if the student

1 personal information is collected directly from the student; or
2 (2) the school or teacher using the school service, if
3 the student personal information is not collected directly from the
4 student.

5 Sec. 32.304. DUTY TO SAFEGUARD STUDENT PERSONAL
6 INFORMATION. (a) A school service provider must maintain a
7 comprehensive information security program to protect the
8 security, privacy, confidentiality, and integrity of student
9 personal information. The information security program must make
10 use of appropriate administrative, technological, and physical
11 safeguards.

12 (b) A school service provider may not knowingly retain
13 student personal information beyond the period that the school or
14 teacher has authorized the provider to retain the information,
15 unless the provider has received consent to retain the information
16 from the student or the student's parent.

17 SECTION 2. This Act takes effect September 1, 2015.