By: VanDeaver

H.B. No. 2691

Substitute the following for H.B. No. 2691:

By: Bell of Kaufman

C.S.H.B. No. 2691

A BILL TO BE ENTITLED

1 AN ACT

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) A school district, open-enrollment charter school,

2 regional education service center, or other local education agency

3 may require an operator that contracts directly with the entity to

4 adhere to a state-approved student data sharing agreement that

5 includes the use of an established unique identifier standard for

6 all operators as prescribed by the agency.

7   (d) A national assessment provider who receives covered

8 information from a student or from a school district or campus on

9 behalf of a student is not required to comply with Subsection (b) or

10 (c) if the provider receives the covered information solely to

11 provide access to employment, educational scholarships, financial

12 aid, or postsecondary educational opportunities.

13   (e) The commissioner may adopt rules as necessary to

14 administer this section.

15   SECTION 2. This Act takes effect September 1, 2021.