

By: Talarico, Capriglione, Dean

H.B. No. 3000

A BILL TO BE ENTITLED

AN ACT

relating to student data security 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 E to read as follows:

SUBCHAPTER E. STUDENT DATA SECURITY

Sec. 32.201. DEFINITION. In this subchapter, "data breach" means an incident in which student information that is sensitive, protected, or confidential, as provided by state or federal law, is stolen or is copied, transmitted, viewed, or used by a person unauthorized to engage in that action.

Sec. 32.202. REPORTING OF STUDENT DATA BREACH. (a) A school district shall provide written notice to a parent of or person standing in parental relation to a student enrolled in the district of a school district data breach involving the student's information not later than the 30th day after the date on which the district becomes aware of the data breach. The notice must include:

(1) a description of the type of information that was the subject of the data breach; and

(2) a general description of any action taken or planned to be taken by the district to:

(A) reduce damage as a result of the data breach;

or

(B) prevent another data breach, including

1 adopting a student privacy pledge.

2 (b) A school district shall submit to the agency a report on  
3 a school district data breach not later than the 60th day after the  
4 date the district becomes aware of the data breach. The report must  
5 include:

6 (1) detailed information regarding the nature of the  
7 data breach;

8 (2) the number of students affected by the data  
9 breach;

10 (3) a description of the type of information that was  
11 the subject of the data breach; and

12 (4) a detailed description of any action taken or  
13 planned to be taken by the district to:

14 (A) reduce damage as a result of the data breach;

15 or

16 (B) prevent another data breach, including  
17 adopting a student privacy pledge.

18 (c) Information reported under Subsection (b)(1) or (4) is  
19 confidential and not subject to disclosure under Chapter 552,  
20 Government Code.

21 Sec. 32.203. STUDENT DATA BREACH DATABASE. (a) The agency  
22 shall establish and maintain an electronically searchable database  
23 that contains information regarding each school district data  
24 breach reported under Section 32.202(b).

25 (b) The database must contain the following publicly  
26 accessible information for each school district data breach:

27 (1) the school district at which the data breach

1 occurred; and

2 (2) the number of students affected by the data  
3 breach.

4 (c) The database must also contain for each school district  
5 data breach the information reported under Sections 32.202(b)(1)  
6 and (4). The agency shall ensure that only a school administrator  
7 may access information contained in the database under this  
8 subsection.

9 Sec. 32.204. RULES. The commissioner may adopt rules as  
10 necessary to implement this subchapter.

11 SECTION 2. Section 12.104(b), Education Code, as amended by  
12 Chapters 324 (S.B. 1488), 522 (S.B. 179), and 735 (S.B. 1153), Acts  
13 of the 85th Legislature, Regular Session, 2017, is reenacted and  
14 amended to read as follows:

15 (b) An open-enrollment charter school is subject to:

16 (1) a provision of this title establishing a criminal  
17 offense; and

18 (2) a prohibition, restriction, or requirement, as  
19 applicable, imposed by this title or a rule adopted under this  
20 title, relating to:

21 (A) the Public Education Information Management  
22 System (PEIMS) to the extent necessary to monitor compliance with  
23 this subchapter as determined by the commissioner;

24 (B) criminal history records under Subchapter C,  
25 Chapter 22;

26 (C) reading instruments and accelerated reading  
27 instruction programs under Section 28.006;

- 1 (D) accelerated instruction under Section  
2 28.0211;
- 3 (E) high school graduation requirements under  
4 Section 28.025;
- 5 (F) special education programs under Subchapter  
6 A, Chapter 29;
- 7 (G) bilingual education under Subchapter B,  
8 Chapter 29;
- 9 (H) prekindergarten programs under Subchapter E  
10 or E-1, Chapter 29;
- 11 (I) extracurricular activities under Section  
12 33.081;
- 13 (J) discipline management practices or behavior  
14 management techniques under Section 37.0021;
- 15 (K) health and safety under Chapter 38;
- 16 (L) public school accountability under  
17 Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;
- 18 (M) the requirement under Section 21.006 to  
19 report an educator's misconduct;
- 20 (N) intensive programs of instruction under  
21 Section 28.0213;
- 22 (O) the right of a school employee to report a  
23 crime, as provided by Section 37.148; ~~and~~
- 24 (P) bullying prevention policies and procedures  
25 under Section 37.0832;
- 26 (Q) the right of a school under Section 37.0052  
27 to place a student who has engaged in certain bullying behavior in a

1 disciplinary alternative education program or to expel the student;

2 [~~and~~]

3 (R) the right under Section 37.0151 to report to  
4 local law enforcement certain conduct constituting assault or  
5 harassment;

6 (S) [~~(P)~~] a parent's right to information  
7 regarding the provision of assistance for learning difficulties to  
8 the parent's child as provided by Sections 26.004(b)(11) and  
9 26.0081(c) and (d); and

10 (T) student data security under Subchapter E,  
11 Chapter 32.

12 SECTION 3. To the extent of any conflict, this Act prevails  
13 over another Act of the 86th Legislature, Regular Session, 2019,  
14 relating to nonsubstantive additions to and corrections in enacted  
15 codes.

16 SECTION 4. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2019.