87R10726 CXP-D

By:  Capriglione H.B. No. 3743

A BILL TO BE ENTITLED

AN ACT

relating to cybersecurity and privacy regarding distance learning in public schools and prohibiting ransomware payments by certain governmental entities.

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

SECTION 1.  Section 11.175, Education Code, is amended by adding Subsection (g) to read as follows:

(g)  Each school district that contracts with an outside provider to provide web services to facilitate distance learning shall maintain a contractual agreement with the provider that ensures:

(1)  an industry-standard base level of cybersecurity and privacy protection for students and educators; and

(2)  compliance with all applicable state and federal law governing the confidentiality of student and educator information.

SECTION 2.  Subchapter D, Chapter 32, Education Code, is amended by adding Section 32.158 to read as follows:

Sec. 32.158.  RECORDINGS OF DISTANCE LEARNING INSTRUCTION. (a) A school district may not retain a recording of distance learning instruction for more than 30 days after the date the recording is made, except to comply with recording and retention laws applicable to students enrolled in special education programs under Subchapter A, Chapter 29.

(b)  A recording of distance learning instruction is confidential and is not subject to:

(1)  the open meetings law, Chapter 551, Government Code; or

(2)  disclosure under Chapter 552, Government Code.

SECTION 3.  Chapter 370, Local Government Code, is amended by adding Section 370.007 to read as follows:

Sec. 370.007.  RANSOMWARE PAYMENTS PROHIBITED. (a) In this section:

(1)  "Local government" has the meaning assigned by Section 271.081.

(2)  "Ransomware" has the meaning assigned by Section 33.023, Penal Code.

(b)  A local government or open-enrollment charter school may not make a ransomware payment related to a ransomware cyber attack.

(c)  As soon as practicable after discovering a ransomware cyber attack, a local government or open-enrollment charter school shall report the attack to the office of the attorney general and to the information sharing and analysis organization established by the Department of Information Resources under Section 2054.0594, Government Code.

SECTION 4.  This Act takes effect September 1, 2021.