

By: VanDeaver

H.B. No. 363

Substitute the following for H.B. No. 363:

By: Dutton

C.S.H.B. No. 363

A BILL TO BE ENTITLED

AN ACT

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

7 (d) A school district, open-enrollment charter school,
8 regional education service center, or other local education agency
9 may include additional data fields in an agreement with an operator
10 or the amendment of an agreement with an operator under this
11 section. An operator may agree to include the additional data
12 fields requested by a school district, open-enrollment charter
13 school, regional education service center, or other local education
14 agency but may not require that additional data fields be included.

15 (e) A school district, open-enrollment charter school,
16 regional education service center, or other local education agency
17 may require an operator that contracts directly with the entity to
18 adhere to a state-required student data sharing agreement that
19 includes the use of an established unique identifier standard for
20 all operators as prescribed by the agency.

21 (f) A national assessment provider who receives covered
22 information from a student or from a school district or campus on
23 behalf of a student is not required to comply with Subsection (b) or
24 (e) if the provider receives the covered information solely to
25 provide access to:

26 (1) employment, educational scholarships, financial
27 aid, or postsecondary educational opportunities; or

1 (2) educational resources for middle school, junior
2 high school, or high school students.

3 (g) The commissioner may adopt rules as necessary to
4 administer this section.

5 SECTION 2. This Act takes effect September 1, 2023.