

By: Capriglione

H.B. No. 3743

A BILL TO BE ENTITLED

AN ACT

1
2 relating to cybersecurity and privacy regarding distance learning
3 in public schools and prohibiting ransomware payments by certain
4 governmental entities.

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

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

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

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

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

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

19 Sec. 32.158. RECORDINGS OF DISTANCE LEARNING INSTRUCTION.

20 (a) A school district may not retain a recording of distance
21 learning instruction for more than 30 days after the date the
22 recording is made, except to comply with recording and retention
23 laws applicable to students enrolled in special education programs
24 under Subchapter A, Chapter 29.

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

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

5 (2) disclosure under Chapter 552, Government Code.

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

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

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

12 (2) "Ransomware" has the meaning assigned by Section
13 33.023, Penal Code.

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

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

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