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.

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(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.