

By: Buckley

H.B. No. 4944

Substitute the following for H.B. No. 4944:

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C.S.H.B. No. 4944

A BILL TO BE ENTITLED

AN ACT

relating to public school cybersecurity controls, student data privacy protection, and requirements and technical assistance and cybersecurity risk assessments for public schools provided by the Department of Information Resources.

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

SECTION 1. Section 11.175(c), Education Code, is amended to read as follows:

(c) A school district's cybersecurity policy must comply with the cybersecurity controls and requirements adopted by the commissioner under Section 32.351 and may not conflict with the information security standards for institutions of higher education adopted by the Department of Information Resources under Chapters 2054 and 2059, Government Code.

SECTION 2. Chapter 32, Education Code, is amended by adding Subchapters D-1 and H to read as follows:

SUBCHAPTER D-1. PRIVACY OF STUDENT EDUCATION RECORDS

Sec. 32.175. PRIVACY OF STUDENT EDUCATION RECORDS. The agency, a school district, or an open-enrollment charter school, as applicable, shall protect the privacy of student education records in a manner that is at least as stringent as that provided under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), as that law existed on January 1, 2023.

SUBCHAPTER H. CYBERSECURITY

Sec. 32.351. CYBERSECURITY CONTROLS AND REQUIREMENTS. (a)

The commissioner shall adopt cybersecurity controls and requirements for school districts, open-enrollment charter schools, and district and school vendors in consultation with and as recommended by the Department of Information Resources.

(b) Each school district and open-enrollment charter school shall implement the cybersecurity controls and requirements adopted by the commissioner under this section.

(c) The agency may contract with the following entities to implement this section:

- (1) a regional education service center;
- (2) a private entity;
- (3) the Department of Information Resources; or
- (4) a regional network security center established under Subchapter E, Chapter 2059, Government Code.

(d) The commissioner shall adopt rules as necessary to implement this section.

(e) Not later than September 1 of each even-numbered year, the commissioner shall review the rules adopted under this section and amend the rules as necessary to ensure that the cybersecurity controls and requirements continue to provide effective cybersecurity protection for school districts and open-enrollment charter schools.

SECTION 3. Subchapter C, Chapter 2054, Government Code, is amended by adding Sections 2054.0561 and 2054.0595 to read as follows:

Sec. 2054.0561. TECHNICAL ASSISTANCE FOR PUBLIC SCHOOLS.

(a) The department may provide technical assistance to school districts and open-enrollment charter schools regarding the implementation of cybersecurity controls, requirements, and network operations under Sections 11.175 and 32.351, Education Code. In providing technical assistance to districts and schools, the department may:

(1) use services offered by third parties;

(2) procure technology and services for districts and schools;

(3) recommend to the Legislative Budget Board that school districts and open-enrollment charter schools migrate services to the State Data Center located on the campus of Angelo State University; and

(4) use the services of a regional network security center established under Section 2059.202.

(b) The department may adopt rules as necessary to implement this section.

Sec. 2054.0595. CYBERSECURITY RISK ASSESSMENTS FOR PUBLIC SCHOOLS. The department may perform a cybersecurity risk assessment of a school district or open-enrollment charter school at the request of:

(1) the commissioner of education;

(2) the superintendent of the district or the person who serves the function of superintendent of the school, as applicable;

(3) the board of trustees of the district or the

1 governing body of the school; or

2 (4) the state cybersecurity coordinator after a
3 cybersecurity incident affecting the district or school.

4 SECTION 4. Section 2059.058(b), Government Code, is amended
5 to read as follows:

6 (b) In addition to the department's duty to provide network
7 security services to state agencies under this chapter, the
8 department by agreement may provide network security to:

9 (1) each house of the legislature;

10 (2) an agency that is not a state agency, including a
11 legislative agency;

12 (3) a political subdivision of this state, including a
13 county, municipality, or special district;

14 (4) an independent organization, as defined by Section
15 39.151, Utilities Code; ~~and~~

16 (5) a public junior college;

17 (6) an open-enrollment charter school established
18 under Subchapter D, Chapter 12, Education Code; and

19 (7) a regional education service center.

20 SECTION 5. Section 2059.201, Government Code, is amended to
21 read as follows:

22 Sec. 2059.201. ELIGIBLE PARTICIPATING ENTITIES. A state
23 agency or an entity listed in Sections 2059.058(b)(3)-(7)
24 ~~[2059.058(b)(3)-(5)]~~ is eligible to participate in cybersecurity
25 support and network security provided by a regional network
26 security center under this subchapter.

27 SECTION 6. Section 11.175(g), Education Code, as added by

1 Chapter 1045 (S.B. 1267), Acts of the 87th Legislature, Regular
2 Session, 2021, is repealed.

3 SECTION 7. Not later than March 31, 2024, the Texas
4 Education Agency and the Department of Information Resources shall
5 adopt rules necessary to implement the changes in law made by this
6 Act.

7 SECTION 8. To the extent of any conflict, this Act prevails
8 over another Act of the 88th Legislature, Regular Session, 2023,
9 relating to nonsubstantive additions to and corrections in enacted
10 codes.

11 SECTION 9. This Act takes effect September 1, 2023.