

Student Data Privacy Bill Checklist

CAPE4Kids.org

Scoring Code	
<i>In Bill</i>	✓
<i>Not In Bill</i>	✗
<i>In bill, but needs improvement</i>	▼
<i>Should not be in bill</i>	🗑️
Student Electronic Devices, Apps, and Online Services	HB5469
Protections from unreasonable search and seizure of personal electronic devices	✗
Prohibit student tracking and profiling	✓
Prohibit remotely accessible webcams on school issued devices	✗
Ensure password privacy on student devices	✗
Ensure security of school issued passwords	✗
Limit data collection by school-contracted apps and websites used by schools.	✓
Incorporate COPPA into state law for students up to age 18.	✗
Limit online advertising	✓
Require de-identification of student information for use to improve site or product	✓
Parental & Educator Notification, Engagement, and Transparency	HB5469
Uniform FERPA and SLDS notice to all parents when school year begins	✗
Parental notification of student data disclosures to third parties or contractors in local board of education contracts	✓
Parental consent of student data disclosures to third parties (formerly in FERPA)	✗
Parental notification of state agency contract involving student data	✗
Parental inspecting, correcting, and removing data held/shared by schools (HB5469 Only covers "Operators" - parental rights should apply to all contracts)	▼
Limit the sharing of sensitive personal and family information and strengthen protections of student medical data	✗
Require posting of state and local data collection, sharing, and related contracts	✗
Increase parent representation on P20 and other state and local data oversight boards	✗
Educator notification and consent of data disclosures to contractors or other third parties	✗

Student Data Protection, Training, and Oversight	HB5469
Define uniform "directory information" solely as name, tel#, address, and email; ban intrusive data elements (e.g. biometric data)	X
Prohibit sharing of PII w/ certain research exceptions (HB5469 permits collection of PII by "operators" and is weak on redisclosure; rules should follow data like in HIPPA)	▼
Ban digital advertising on school required devices, apps, sites, online textbooks, etc. (HB5649 is unclear, see sec. 1(10)C)	▼
Establish local student data advisory boards consisting of parents, educators, and board members	X
Require BoE to provide school employee data handling awareness info	X
Require up-to-date encryption tools (HB5469 "industry standard" - could be more specific)	▼
Require independent audits of public agency and third party data handling	X
Ensure bill covers students covered under FERPA (prek-12; college)	X
Student Data and Third Party Contracts	HB5469
Defines contractor only as a data storage software/service (Severly limits reach of bill)	💡
Defines "Operator" as a person, not an entity or business as used under "contractor"	💡
Require data contractors to register with the state and document data security system compliance	X
Establish uniform basic student data security contract and cloud provisions linked to specific industry security guidelines or body (HB5469 references less specific "industry standard")	▼
Require victim notification of data breaches	✓
Establish penalties/fines/rights of action for breach/violations of data protocols	X
Clarify and strengthen "authorized representatives" and "legitimate educational interests" that permit data sharing under FERPA	X
Background checks for contractor employees who handle student data	X
Require contracts to imdemnify the state and hold contractors accountable	X
Allow online operators to collect and redisclose PII	💡
Establish enforcement mechanism, such as AG student data privacy enforcement	X
State Data Collection and Compiling	HB5469
State Chief Privacy Officer and Citizens Advisory Board	X
Legislative authorization for all student data elements (i.e. inter-agency sharing)	X
Transparency SLDS collection and purpose; Consider SLDS moratorium on expansion	X
Ban SLDS from being used for employability, criminal liability, financial standing, or reputation of the student	X
Ban collection of sensitive student and family data in SLDS	X
Notice of SLDS collection and related parental rights	X