



General Assembly

**Substitute Bill No. 7207**

January Session, 2017

\* \_\_\_\_\_HB07207ED\_\_\_\_\_032717\_\_\_\_\_\*

**AN ACT MAKING REVISIONS TO THE STUDENT DATA PRIVACY ACT OF 2016.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-234bb of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective from passage*):

3 (a) On and after [October 1, 2016] July 1, 2018, a local or regional  
4 board of education shall enter into a written contract with a contractor  
5 any time such local or regional board of education shares or provides  
6 access to student information, student records or student-generated  
7 content with such contractor. Each such contract shall include, but  
8 need not be limited to, the following:

9 (1) A statement that student information, student records and  
10 student-generated content are not the property of or under the control  
11 of a contractor;

12 (2) A description of the means by which the local or regional board  
13 of education may request the deletion of student information, student  
14 records or student-generated content in the possession of the  
15 contractor;

16 (3) A statement that the contractor shall not use student  
17 information, student records and student-generated content for any

18 purposes other than those authorized pursuant to the contract;

19 (4) A description of the procedures by which a student, parent or  
20 legal guardian of a student may review personally identifiable  
21 information contained in student information, student records or  
22 student-generated content and correct erroneous information, if any, in  
23 such student record;

24 (5) A statement that the contractor shall take actions designed to  
25 ensure the security and confidentiality of student information, student  
26 records and student-generated content;

27 (6) A description of the procedures that a contractor will follow to  
28 notify the local or regional board of education, in accordance with the  
29 provisions of section 10-234dd, as amended by this act, when there has  
30 been an unauthorized release, disclosure or acquisition of student  
31 information, student records or student-generated content;

32 (7) A statement that student information, student records or  
33 student-generated content shall not be retained or available to the  
34 contractor upon completion of the contracted services unless a student,  
35 parent or legal guardian of a student chooses to establish or maintain  
36 an electronic account with the contractor for the purpose of storing  
37 student-generated content;

38 (8) A statement that the contractor and the local or regional board of  
39 education shall ensure compliance with the Family Educational Rights  
40 and Privacy Act of 1974, 20 USC 1232g, as amended from time to time;

41 (9) A statement that the laws of the state of Connecticut shall govern  
42 the rights and duties of the contractor and the local or regional board  
43 of education; and

44 (10) A statement that if any provision of the contract or the  
45 application of the contract is held invalid by a court of competent  
46 jurisdiction, the invalidity does not affect other provisions or  
47 applications of the contract which can be given effect without the

48 invalid provision or application.

49 (b) All student-generated content shall be the property of the  
50 student or the parent or legal guardian of the student.

51 (c) A contractor shall implement and maintain security procedures  
52 and practices designed to protect student information, student records  
53 and student-generated content from unauthorized access, destruction,  
54 use, modification or disclosure that, based on the sensitivity of the data  
55 and the risk from unauthorized access, (1) use technologies and  
56 methodologies that are consistent with the guidance issued pursuant  
57 to section 13402(h)(2) of Public Law 111-5, as amended from time to  
58 time, (2) maintain technical safeguards as it relates to the possession of  
59 student records in a manner consistent with the provisions of 45 CFR  
60 164.312, as amended from time to time, and (3) otherwise meet or  
61 exceed industry standards.

62 (d) A contractor shall not use (1) student information, student  
63 records or student-generated content for any purposes other than  
64 those authorized pursuant to the contract, or (2) personally identifiable  
65 information contained in student information, student records or  
66 student-generated content to engage in targeted advertising.

67 (e) Any provision of a contract entered into between a contractor  
68 and a local or regional board of education on or after [October 1, 2016]  
69 July 1, 2018, that conflicts with any provision of this section shall be  
70 void.

71 (f) Any contract entered into on and after [October 1, 2016] July 1,  
72 2018, that does not include a provision required by subsection (a) of  
73 this section shall be void, provided the local or regional board of  
74 education has given reasonable notice to the contractor and the  
75 contractor has failed within a reasonable time to amend the contract to  
76 include the provision required by subsection (a) of this section.

77 (g) Not later than five business days after executing a contract  
78 pursuant to this section, a local or regional board of education shall

79 provide electronic notice to any student and the parent or legal  
80 guardian of a student affected by the contract. The notice shall (1) state  
81 that the contract has been executed and the date that such contract was  
82 executed, (2) provide a brief description of the contract and the  
83 purpose of the contract, and (3) state what student information,  
84 student records or student-generated content may be collected as a  
85 result of the contract. The local or regional board of education shall  
86 post such notice and the contract on the board's Internet web site.

87 Sec. 2. Subdivision (3) of subsection (a) of section 10-234dd of the  
88 general statutes is repealed and the following is substituted in lieu  
89 thereof (*Effective July 1, 2017*):

90 (3) Upon receipt of notice of a breach of security under  
91 [subdivisions] subdivision (1) or (2) of this subsection, a local or  
92 regional board of education shall electronically notify, not later than  
93 [forty-eight hours] two business days after receipt of such notice, the  
94 student and the parents or guardians of the student whose student  
95 information, student records or student-generated content is involved  
96 in such breach of security. The local or regional board of education  
97 shall post such notice on the board's Internet web site.

98 Sec. 3. (*Effective from passage*) The Department of Education shall  
99 provide guidance to local and regional boards of education concerning  
100 the implementation of the Family Educational Rights and Privacy Act  
101 of 1974, 20 USC 1232g, as amended from time to time, and the  
102 provisions of sections 10-234aa to 10-234dd, inclusive, of the general  
103 statutes, as amended by this act.

104 Sec. 4. Section 5 of public act 16-189 is repealed and the following is  
105 substituted in lieu thereof (*Effective from passage*):

106 (a) There is established a task force to study issues relating to  
107 student data privacy. Such study shall include, but not be limited to,  
108 an examination of (1) when a parent or guardian of a student may  
109 reasonably or appropriately request the deletion of student

110 information, student records or student-generated content that is in the  
111 possession of a contractor or operator, (2) means of providing notice to  
112 parents and guardians of students when a student uses an Internet  
113 web site, online service or mobile application of an operator for  
114 instructional purposes in a classroom or as part of an assignment by a  
115 teacher, (3) reasonable penalties for violations of the provisions of  
116 sections [2 to 4, inclusive, of this act] 10-234bb to 10-234dd, inclusive,  
117 of the general statutes, such as restricting a contractor or operator from  
118 accessing or collecting student information, student records or student-  
119 generated content, (4) strategies in effect in other states that ensure that  
120 school employees, contractors and operators are trained in data  
121 security handling, compliance and best practices, (5) the feasibility of  
122 developing a school district-wide list of approved Internet web sites,  
123 online services and mobile applications, (6) the use of an  
124 administrative hearing process designed to provide legal recourse to  
125 students and parents and guardians of students aggrieved by any  
126 violation of sections [2 to 4, inclusive, of this act] 10-234bb to 10-234dd,  
127 inclusive, of the general statutes, (7) the feasibility of creating an  
128 inventory of student information, student records and student-  
129 generated content currently collected pursuant to state and federal  
130 law, (8) the feasibility of developing a tool kit for use by local and  
131 regional boards of education to (A) improve student data contracting  
132 practices and compliance, including a state-wide template for use by  
133 districts, (B) increase school employee awareness of student data  
134 security best practices, including model training components, (C)  
135 develop district-wide lists of approved software applications and  
136 Internet web sites, and (D) increase the availability and accessibility of  
137 information on student data privacy for parents and guardians of  
138 students and educators, and (9) any other issue involving student data  
139 security that the task force deems relevant.

140 (b) The task force shall consist of the following members:

141 (1) Two appointed by the speaker of the House of Representatives,  
142 one of whom is an operator, pursuant to section [1 of this act] 10-234aa

143 of the general statutes and one of whom is an expert in information  
144 technology systems;

145 (2) Two appointed by the president pro tempore of the Senate, one  
146 of whom is a representative or member of the Connecticut Education  
147 Association and one of whom is [a high school student in the state of  
148 Connecticut] an attorney with expertise in Connecticut school law;

149 (3) Two appointed by the majority leader of the House of  
150 Representatives, one of whom is a representative of a contractor,  
151 pursuant to section [1 of this act] 10-234aa of the general statutes and  
152 one of whom is an expert in information technology systems;

153 (4) Two appointed by the majority leader of the Senate, one of  
154 whom is a representative or member of the Connecticut Parent Teacher  
155 Association and one of whom is a representative or member of the  
156 American Federation of Teachers;

157 (5) Two appointed by the minority leader of the House of  
158 Representatives, one of whom is a student privacy advocate and one of  
159 whom is a representative or member of the Connecticut Association of  
160 Boards of Education;

161 (6) Two appointed by the minority leader of the Senate, one of  
162 whom is a representative of the Connecticut Association of School  
163 Administrators and one of whom is a representative or member of the  
164 Connecticut Association of Public School Superintendents;

165 (7) The Attorney General, or the Attorney General's designee; and

166 (8) The Commissioner of Education or the commissioner's designee.

167 (c) All appointments to the task force shall be made not later than  
168 thirty days after the effective date of this section. Any vacancy shall be  
169 filled by the appointing authority.

170 (d) The speaker of the House of Representatives and the president

171 pro tempore of the Senate shall select the chairpersons of the task force  
 172 from among the members of the task force. Such chairpersons shall  
 173 schedule the first meeting of the task force, which shall be held not  
 174 later than sixty days after the effective date of this section.

175 (e) The administrative staff of the joint standing committee of the  
 176 General Assembly having cognizance of matters relating to general  
 177 law shall serve as administrative staff of the task force.

178 (f) Not later than January 1, [2017] 2018, the task force shall submit a  
 179 report on its findings and recommendations to the joint standing  
 180 committee of the General Assembly having cognizance of matters  
 181 relating to general law and education, in accordance with the  
 182 provisions of section 11-4a of the general statutes. The task force shall  
 183 terminate on the date that it submits such report or January 1, [2017]  
 184 2018, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	10-234bb
Sec. 2	<i>July 1, 2017</i>	10-234dd(a)(3)
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	PA 16-189, Sec. 5

**Statement of Legislative Commissioners:**

In Section 1(e), "October 1, 2016" was bracketed and "July 1, 2018" was inserted after the closing bracket for consistency with other provisions of the section; in Section 4(a), references to "sections 2 to 4, inclusive, of [this act] public act 16-189" were changed to "sections [2 to 4, inclusive, of this act] 10-234bb to 10-234dd, inclusive, of the general statutes" for accuracy; in Section 4(b)(1) and (3), references to "section 1 of [this act] public act 16-189" were changed to "section [1 of this act] 10-234aa of the general statutes" for accuracy; and in Section 4(f), references to "2017" were bracketed and "2018" was inserted after the closing brackets for accuracy.

**ED**            *Joint Favorable Subst.*

