



House of Representatives

File No. 653

General Assembly

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(Reprint of File No. 445)

Substitute House Bill No. 5444
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 27, 2018

***AN ACT CONCERNING REVISIONS TO THE STUDENT DATA
PRIVACY ACT.***

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

1 Section 1. (NEW) (*Effective from passage*) The Commission for
2 Educational Technology shall develop a uniform student data privacy
3 terms-of-service agreement addendum that may be used in contracts
4 entered into pursuant to section 10-234bb of the general statutes, as
5 amended by this act. The provisions of such addendum shall conform
6 to the requirements for a contract described in said section. The
7 commission shall make such addendum available on its Internet web
8 site, or in any online registry maintained by the commission for
9 contractors and operators, as those terms are defined in section 10-
10 234aa of the general statutes, and local and regional boards of
11 education.

12 Sec. 2. Section 10-234bb of the 2018 supplement to the general
13 statutes is repealed and the following is substituted in lieu thereof
14 (*Effective July 1, 2018*):

15 (a) On and after July 1, 2018, a local or regional board of education
16 shall enter into a written contract with a contractor any time such local
17 or regional board of education shares or provides access to student
18 information, student records or student-generated content with such
19 contractor. Each such contract shall include, but need not be limited to,
20 the following:

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

24 (2) A description of the means by which the local or regional board
25 of education may request the deletion of any student information,
26 student records or student-generated content in the possession of the
27 contractor that is not (A) otherwise prohibited from deletion or
28 required to be retained under state or federal law, or (B) stored as a
29 copy as part of a disaster recovery storage system and that is (i)
30 inaccessible to the public, and (ii) unable to be used in the normal
31 course of business by the contractor, provided such local or regional
32 board of education may request the deletion of any such student
33 information, student records or student-generated content if such copy
34 has been used by the operator to repopulate accessible data following a
35 disaster recovery;

36 (3) A statement that the contractor shall not use student
37 information, student records and student-generated content for any
38 purposes other than those authorized pursuant to the contract;

39 (4) A description of the procedures by which a student, parent or
40 legal guardian of a student may review personally identifiable
41 information contained in student information, student records or
42 student-generated content and correct erroneous information, if any, in
43 such student record;

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

47 (6) A description of the procedures that a contractor will follow to
48 notify the local or regional board of education, in accordance with the
49 provisions of section 10-234dd, when there has been an unauthorized
50 release, disclosure or acquisition of student information, student
51 records or student-generated content;

52 (7) A statement that student information, student records or
53 student-generated content shall not be retained or available to the
54 contractor upon [completion] expiration of the [contracted services
55 unless] contract between the contractor and a local or regional board of
56 education, except a student, parent or legal guardian of a student
57 [chooses] may choose to independently establish or maintain an
58 electronic account with the contractor after the expiration of such
59 contract for the purpose of storing student-generated content;

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

63 (9) A statement that the laws of the state of Connecticut shall govern
64 the rights and duties of the contractor and the local or regional board
65 of education; and

66 (10) A statement that if any provision of the contract or the
67 application of the contract is held invalid by a court of competent
68 jurisdiction, the invalidity does not affect other provisions or
69 applications of the contract which can be given effect without the
70 invalid provision or application.

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

73 (c) A contractor shall implement and maintain security procedures
74 and practices designed to protect student information, student records
75 and student-generated content from unauthorized access, destruction,
76 use, modification or disclosure that, based on the sensitivity of the data
77 and the risk from unauthorized access, (1) use technologies and

78 methodologies that are consistent with the guidance issued pursuant
79 to section 13402(h)(2) of Public Law 111-5, as amended from time to
80 time, (2) maintain technical safeguards as it relates to the possession of
81 student records in a manner consistent with the provisions of 45 CFR
82 164.312, as amended from time to time, and (3) otherwise meet or
83 exceed industry standards.

84 (d) A contractor shall not use (1) student information, student
85 records or student-generated content for any purposes other than
86 those authorized pursuant to the contract, or (2) personally identifiable
87 information contained in student information, student records or
88 student-generated content to engage in targeted advertising.

89 (e) Any provision of a contract entered into between a contractor
90 and a local or regional board of education on or after July 1, 2018, that
91 conflicts with any provision of this section shall be void.

92 (f) Any contract entered into on and after July 1, 2018, that does not
93 include (1) a provision required by subsection (a) of this section, or (2)
94 the terms-of-service agreement addendum described in section 1 of
95 this act, shall be void, provided the local or regional board of
96 education has given reasonable notice to the contractor and the
97 contractor has failed within a reasonable time to amend the contract to
98 include the provision required by subsection (a) of this section or the
99 terms-of-service agreement addendum.

100 (g) (1) Each local and regional board of education shall maintain and
101 update, as necessary, an Internet web site with information relating to
102 all contracts entered into pursuant to this section. Not later than five
103 business days after executing a contract pursuant to this section, a local
104 or regional board of education shall [provide electronic notice to any
105 student and the parent or legal guardian of a student affected by the
106 contract] post notice of such contract on the board's Internet web site.
107 The notice shall [(1)] include the contract and (A) state that the contract
108 has been executed and the date that such contract was executed, [(2)]
109 (B) provide a brief description of the contract and the purpose of the

110 contract, and [(3)] (C) state what student information, student records
111 or student-generated content may be collected as a result of the
112 contract. [The local or regional board of education shall post such
113 notice and the contract on the board's Internet web site.]

114 (2) On or before September first of each school year, the board of
115 education shall electronically notify students and the parents or legal
116 guardians of students of the address of the Internet web site described
117 in this subsection.

118 (h) A local or regional board of education and a contractor may
119 include in any contract executed pursuant to this section, the uniform
120 student data privacy terms-of-service agreement addendum, described
121 in section 1 of this act, to satisfy the requirements of this section.

122 (i) A local or regional board of education shall not be required to
123 enter into a contract pursuant to this section if the use of an Internet
124 web site, online service or mobile application operated by a consultant
125 or an operator is unique and necessary to implement a child's
126 individualized education program or plan pursuant to Section 504 of
127 the Rehabilitation Act of 1973, as amended from time to time, and such
128 Internet web site, online service or mobile application is unable to
129 comply with the provisions of this section, provided (1) such Internet
130 web site, online service or mobile application complies with the Family
131 Educational Rights and Privacy Act of 1974, 20 USC 1232g, as
132 amended from time to time, and the Health Insurance Portability and
133 Accountability Act of 1996, P.L. 104-191, as amended from time to
134 time, (2) such board of education can provide evidence that it has
135 made a reasonable effort to (A) enter into a contract with such
136 consultant or operator to use such Internet web site, online service or
137 mobile application, and (B) find an equivalent Internet web site, online
138 service or mobile application operated by a consultant or an operator
139 that complies with the provisions of this section, (3) the consultant or
140 operator complies with the provisions of section 10-234cc, as amended
141 by this act, for such use, and (4) the parent or legal guardian of such
142 child, and, in the case of a child with an individualized education

143 program, a member of the planning and placement team, sign an
144 agreement that (A) acknowledges such parent or legal guardian is
145 aware that such Internet web site, online service or mobile application
146 is unable to comply with the provisions of this section, and (B)
147 authorizes the use of such Internet web site, online service or mobile
148 application. A local or regional board of education shall, upon the
149 request of a parent or legal guardian of a child, provide the evidence
150 described in subdivision (2) of this subsection to such parent or legal
151 guardian.

152 Sec. 3. Section 10-234cc of the general statutes is repealed and the
153 following is substituted in lieu thereof (*Effective July 1, 2018*):

154 (a) An operator shall (1) implement and maintain security
155 procedures and practices that meet or exceed industry standards and
156 that are designed to protect student information, student records and
157 student-generated content from unauthorized access, destruction, use,
158 modification or disclosure, and (2) delete any student information,
159 student records or student-generated content within a reasonable
160 amount of time if a student, parent or legal guardian of a student or
161 local or regional board of education who has the right to control such
162 student information requests the deletion of such student information,
163 student records or student-generated content, unless (A) state or
164 federal law prohibits such deletion or otherwise requires the retention
165 of such student information, student records or student-generated
166 content, or (B) a copy of such student information, student records or
167 student-generated content is in the possession of the operator as part
168 of a disaster recovery storage system and is inaccessible to the public
169 and unable to be used in the normal course of business by the
170 operator, provided such student, parent or legal guardian of a student
171 or local or regional board of education may request the deletion of any
172 such student information, student records or student-generated
173 content described in this subparagraph if such copy is used by the
174 operator to repopulate accessible data following a disaster recovery.

175 (b) An operator shall not knowingly:

176 (1) Engage in (A) targeted advertising on the operator's Internet web
177 site, online service or mobile application, or (B) targeted advertising on
178 any other Internet web site, online service or mobile application if such
179 advertising is based on any student information, student records,
180 student-generated content or persistent unique identifiers that the
181 operator has acquired because of the use of the operator's Internet web
182 site, online service or mobile application for school purposes;

183 (2) Collect, store and use student information, student records,
184 student-generated content or persistent unique identifiers for purposes
185 other than the furtherance of school purposes;

186 (3) Sell, rent or trade student information, student records or
187 student-generated content unless the sale is part of the purchase,
188 merger or acquisition of an operator by a successor operator and the
189 operator and successor operator continue to be subject to the
190 provisions of this section regarding student information; or

191 (4) Disclose student information, student records or student-
192 generated content unless the disclosure is made (A) in furtherance of
193 school purposes of the Internet web site, online service or mobile
194 application, provided the recipient of the student information uses
195 such student information to improve the operability and functionality
196 of the Internet web site, online service or mobile application and
197 complies with subsection (a) of this section; (B) to ensure compliance
198 with federal or state law or regulations or pursuant to a court order;
199 (C) in response to a judicial order; (D) to protect the safety or integrity
200 of users or others, or the security of the Internet web site, online service
201 or mobile application; (E) to an entity hired by the operator to provide
202 services for the operator's Internet web site, online service or mobile
203 application, provided the operator contractually (i) prohibits the entity
204 from using student information, student records or student-generated
205 content for any purpose other than providing the contracted service to,
206 or on behalf of, the operator, (ii) prohibits the entity from disclosing
207 student information, student records or student-generated content
208 provided by the operator to subsequent third parties, and (iii) requires

209 the entity to comply with subsection (a) of this section; or (F) for a
210 school purpose or other educational or employment purpose requested
211 by a student or the parent or legal guardian of a student, provided
212 such student information is not used or disclosed for any other
213 purpose.

214 (c) An operator may use student information (1) to maintain,
215 support, improve, evaluate or diagnose the operator's Internet web
216 site, online service or mobile application, (2) for adaptive learning
217 purposes or customized student learning, (3) to provide
218 recommendation engines to recommend content or services relating to
219 school purposes or other educational or employment purposes,
220 provided such recommendation is not determined in whole or in part
221 by payment or other consideration from a third party, or (4) to respond
222 to a request for information or feedback from a student, provided such
223 response is not determined in whole or in part by payment or other
224 consideration from a third party.

225 (d) An operator may use de-identified student information or
226 aggregated student information (1) to develop or improve the
227 operator's Internet web site, online service or mobile application, or
228 other Internet web sites, online services or mobile applications owned
229 by the operator, or (2) to demonstrate or market the effectiveness of the
230 operator's Internet web site, online service or mobile application.

231 (e) An operator may share aggregated student information or de-
232 identified student information for the improvement and development
233 of Internet web sites, online services or mobile applications designed
234 for school purposes.

235 (f) Nothing in this section shall be construed to (1) limit the ability of
236 a law enforcement agency to obtain student information, student
237 records or student-generated content from an operator as authorized
238 by law or pursuant to a court order, (2) limit the ability of a student or
239 the parent or legal guardian of a student to download, export, transfer
240 or otherwise save or maintain student information, student records or

241 student-generated content, (3) impose a duty upon a provider of an
242 interactive computer service, as defined in 47 USC 230, as amended
243 from time to time, to ensure compliance with this section by third-
244 party information content providers, as defined in 47 USC 230, as
245 amended from time to time, (4) impose a duty upon a seller or
246 provider of an electronic store, gateway, marketplace or other means
247 of purchasing or downloading software applications to review or
248 enforce compliance with this section on such software applications, (5)
249 limit an Internet service provider from providing a student, parent or
250 legal guardian of a student or local or regional board of education with
251 the ability to connect to the Internet, (6) prohibit an operator from
252 advertising other Internet web sites, online services or mobile
253 applications that are used for school purposes to parents or legal
254 guardians of students, provided such advertising does not result from
255 the operator's use of student information, student records or student-
256 generated content, or (7) apply to Internet web sites, online services or
257 mobile applications that are designed and marketed for use by
258 individuals generally, even if the account credentials created for an
259 operator's Internet web site, online service or mobile application may
260 be used to access Internet web sites, online services or mobile
261 applications that are designed and marketed for school purposes.

262 Sec. 4. Section 10-234ee of the 2018 supplement to the general
263 statutes is repealed and the following is substituted in lieu thereof
264 (*Effective July 1, 2018*):

265 The Department of Education, in consultation with the Commission
266 for Educational Technology, shall provide written guidance to local
267 and regional boards of education concerning the implementation of the
268 Family Educational Rights and Privacy Act of 1974, 20 USC 1232g, as
269 amended from time to time, and the [provisions of] laws relating to
270 student data privacy, set forth in sections 10-234aa to 10-234dd,
271 inclusive, and section 1 of this act. Such written guidance shall include,
272 but need not be limited to, (1) a plain language explanation of how
273 such student data privacy laws are to be implemented, (2) information
274 about the uniform student data privacy terms-of-service agreement

275 addendum, described in section 1 of this act, and (3) how such
276 addendum may be incorporated into contracts executed pursuant to
277 section 10-234bb, as amended by this act.

278 Sec. 5. Section 5 of public act 16-189, as amended by section 4 of
279 public act 17-200, is repealed and the following is substituted in lieu
280 thereof (*Effective from passage*):

281 (a) There is established a task force to study issues relating to
282 student data privacy. Such study shall include, but not be limited to,
283 an examination of (1) when a parent or guardian of a student may
284 reasonably or appropriately request the deletion of student
285 information, student records or student-generated content that is in the
286 possession of a contractor or operator, (2) means of providing notice to
287 parents and guardians of students when a student uses an Internet
288 web site, online service or mobile application of an operator for
289 instructional purposes in a classroom or as part of an assignment by a
290 teacher, (3) reasonable penalties for violations of the provisions of
291 sections 10-234bb to 10-234dd, inclusive, of the general statutes, as
292 amended by this act, such as restricting a contractor or operator from
293 accessing or collecting student information, student records or student-
294 generated content, (4) strategies in effect in other states that ensure that
295 school employees, contractors and operators are trained in data
296 security handling, compliance and best practices, (5) the feasibility of
297 developing a school district-wide list of approved Internet web sites,
298 online services and mobile applications, (6) the use of an
299 administrative hearing process designed to provide legal recourse to
300 students and parents and guardians of students aggrieved by any
301 violation of sections 10-234bb to 10-234dd, inclusive, of the general
302 statutes, as amended by this act, (7) the feasibility of creating an
303 inventory of student information, student records and student-
304 generated content currently collected pursuant to state and federal
305 law, (8) the feasibility of developing a tool kit for use by local and
306 regional boards of education to (A) improve student data contracting
307 practices and compliance, including a state-wide template for use by
308 districts, (B) increase school employee awareness of student data

309 security best practices, including model training components, (C)
310 develop district-wide lists of approved software applications and
311 Internet web sites, and (D) increase the availability and accessibility of
312 information on student data privacy for parents and guardians of
313 students and educators, and (9) any other issue involving student data
314 security that the task force deems relevant.

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

316 (1) Two appointed by the speaker of the House of Representatives,
317 one of whom is an operator, [pursuant to] as defined in section 10-
318 234aa of the general statutes and one of whom is an expert in
319 information technology systems;

320 (2) Two appointed by the president pro tempore of the Senate, one
321 of whom is a representative or member of the Connecticut Education
322 Association and one of whom is an attorney with expertise in
323 Connecticut school law;

324 (3) Two appointed by the majority leader of the House of
325 Representatives, one of whom is a representative of a contractor,
326 [pursuant to] as defined in section 10-234aa of the general statutes and
327 one of whom is an expert in information technology systems;

328 (4) Two appointed by the majority leader of the Senate, one of
329 whom is a representative or member of the Connecticut Parent Teacher
330 Association and one of whom is a representative or member of the
331 American Federation of Teachers;

332 (5) Two appointed by the minority leader of the House of
333 Representatives, one of whom is a student privacy advocate and one of
334 whom is a representative or member of the Connecticut Association of
335 Boards of Education;

336 (6) Two appointed by the minority leader of the Senate, one of
337 whom is a representative of the Connecticut Association of School
338 Administrators and one of whom is a representative or member of the

339 Connecticut Association of Public School Superintendents;
340 (7) The Attorney General, or the Attorney General's designee; [and]
341 (8) The Commissioner of Education, or the commissioner's designee;
342 [.] and
343 (9) The executive director of the Connecticut Association of Schools,
344 or the executive director's designee.

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

348 (d) The speaker of the House of Representatives and the president
349 pro tempore of the Senate shall select the chairpersons of the task force
350 from among the members of the task force. Such chairpersons shall
351 schedule the first meeting of the task force, which shall be held not
352 later than sixty days after the effective date of this section.

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

356 (f) Not later than January 1, [2018] 2019, the task force shall submit a
357 report on its findings and recommendations to the joint standing
358 committee of the General Assembly having cognizance of matters
359 relating to general law and education, in accordance with the
360 provisions of section 11-4a of the general statutes. The task force shall
361 terminate on the date that it submits such report or January 1, [2018]
362 2019, whichever is later.

363 Sec. 6. (NEW) (*Effective July 1, 2018*) For the school year commencing
364 July 1, 2018, and each school year thereafter, each local or regional
365 board of education shall annually submit a report to the Commission
366 for Educational Technology concerning the use of Internet web sites,
367 online services or mobile applications without a contract pursuant to
368 subsection (i) of section 10-234bb of the general statutes, as amended

369 by this act. Such report shall indicate whether or not any such Internet
370 web sites, online services or mobile applications are being so used,
371 and, if so, a list of all such Internet web sites, online services or mobile
372 applications.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2018</i>	10-234bb
Sec. 3	<i>July 1, 2018</i>	10-234cc
Sec. 4	<i>July 1, 2018</i>	10-234ee
Sec. 5	<i>from passage</i>	PA 16-189, Sec. 5
Sec. 6	<i>July 1, 2018</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes various procedural, conforming, and technical changes to the student data privacy law, which does not result in a fiscal impact. Additionally, the bill expands, extends, and modifies various requirements to the State Department of Education, the Commission for Educational Technology (within the Department of Administrative Services), and local and regional school districts, which does not result in a fiscal impact as the entities have the staff and expertise necessary.

House "A" makes various clarifying changes to the underlying bill and existing law, which do not result in a fiscal impact. The amendment also adds an additional reporting requirement for local and regional school districts and the Commission for Educational Technology, which has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5444 (as amended by House "A")******AN ACT CONCERNING REVISIONS TO THE STUDENT DATA PRIVACY ACT.*****SUMMARY**

This bill makes numerous changes in the student data privacy law. The law restricts how website, online service, and mobile application (i.e., "online service") operators and consultants who contract with local and regional boards of education process and access student data. The law requires operators and consultants to use reasonable security practices to safeguard student data.

The bill requires the Commission for Educational Technology (CET) (see BACKGROUND) to develop a student data privacy terms-of-service agreement addendum that may be used in contracts entered into pursuant to the student data privacy law.

With respect to the privacy law, the bill also:

1. creates certain exceptions for contractors and operators from requirements for deleting student data at a board of education's, student's, parents', or guardian's request;
2. creates an exception, under certain conditions, for boards when they have special education students using a particular online service that is necessary, but unable to meet the contract requirements;
3. eliminates a requirement that boards electronically notify students and parents of new contracts;
4. requires the State Department of Education (SDE) to add more

information to the guidance it must already provide school districts;

5. requires boards of education to annually report to CET on using any online service that does not operate under a contract as required by the law and the bill;
6. adds the Connecticut Association of Schools' executive director, or her designee, as a member of the student data privacy task force; and
7. makes minor and technical changes.

EFFECTIVE DATE: July 1, 2018, except the provisions regarding the agreement addendum and the task force member are effective upon passage.

*House Amendment "A" modifies the language for the exception for students receiving special education, adds the requirement that boards report their use of online services that do not operate under the required contract terms, and makes minor and conforming changes.

DEFINITIONS

By law, unchanged by the bill, a contractor is an operator or a consultant who possesses, or has access to, student information due to a contract with a board of education. An operator is someone who operates an online service knowing that it was designed and marketed, and is used, for school purposes. A consultant is a professional who provides non-instructional services to a board of education (CGS § 10-234aa).

§§ 1 & 2 — TERMS-OF-SERVICE AGREEMENT ADDENDUM

The bill requires CET, which is housed in the Department of Administrative Services, to develop a uniform student data privacy terms-of-service agreement addendum that may be used in contracts entered into pursuant to the privacy law. The addendum must conform to the requirements for a contract described in the law. CET

must make the addendum available on its website or in an online registry it maintains for boards, contractors, and operators. It also authorizes boards of education and a contractor to include the addendum in any contract executed under this law to satisfy the law's requirements.

§ 2 — SPECIAL EDUCATION STUDENT EXCEPTION

The bill exempts, under certain circumstances, a board of education from the requirement to enter into a contract that conforms with the privacy law's standards for students (1) receiving special education services or (2) who have an accommodation under the Rehabilitation Act of 1973 (commonly referred to as a Section 504 accommodation).

Under the bill, this exemption only applies if the:

1. online service (a) is unique and necessary to implement the student's individualized education program (IEP) or Section 504 plan, (b) is unable to meet the law's contract requirements, and (c) complies with the federal Family Educational Rights and Privacy Act (FERPA) and Health Insurance Portability and Accountability Act (HIPAA) (see BACKGROUND);
2. board can provide evidence it has made a reasonable effort to (a) enter into a contract with the online service and (b) find an equivalent online service that complies with the law; and
3. parent or legal guardian of the student, and, in the case of a student with an IEP, a member of the IEP planning and placement team, sign an agreement that (a) acknowledges that they are aware that the online service is unable to comply with the law and (b) authorizes the use of the service.

If such an exception is made, the online service must still comply with the security measures in the law, such as the data security and information deletion provisions and the general prohibition on disclosing, selling, or trading student information.

Under the bill, if a parent or legal guardian of a student requests the evidence of reasonable attempts to get the online service to agree to a contract or to find an equivalent service, the board must provide it.

§§ 2 & 3 — DELETING STUDENT DATA

Current law requires an operator or contractor to delete student records, student information, and student-generated content (“student information”) in certain situations. It requires an operator to delete any student information, within a reasonable amount of time if a student, parent, legal guardian of a student, or board of education who has the right to control the student information requests its deletion.

The bill creates an exception to this requirement when (1) state or federal law prohibits the deletion or requires retention of the information or (2) a copy of the student information is part of a disaster recovery storage system and is generally inaccessible to the public and the operator, provided a student, parent, or legal guardian or board of education may request it to be deleted if the operator uses it to repopulate accessible data after a disaster recovery.

The bill also adds this exception to the provisions on student information deletion that must be in any contract between a board of education and a contractor.

§ 2 — POSTING CONTRACT INFORMATION

Current law requires boards of education to electronically notify affected students and their parents or guardians within five business days after entering into a contract with a contractor. The notice must (1) state that the contract has been executed and its date of execution; (2) provide a brief description of the contract and its purpose; and (3) state what student information may be collected under the contract. The bill removes the requirement to electronically notify students and parents. The law, unchanged by the bill, requires boards to post the notice and contract on their websites. Under the bill, each year by September 1, the board must electronically notify parents, guardians, and students of the website’s address.

§ 2 — EXCEPTION FOR RETAINING INFORMATION

Current law requires contracts for online services to include a statement that student information will not be kept by, or available to, the contractor after the contracted services are completed unless a student, parent, or guardian chooses to establish or maintain an account with the contractor. The bill specifies that the information will not be retained after the contract expires, rather than after the services are completed, and that the choice to establish or maintain an account takes place after the contract expires.

§ 4 — GUIDANCE FOR SCHOOL DISTRICTS

Existing law requires CET to provide guidance to boards on FERPA and the state privacy law. The bill requires SDE to add information on the terms-of-service agreement addendum to this guidance. It also requires SDE to consult with CET in providing the written guidance, which must include:

1. a plain language explanation of how FERPA and the state student data privacy law are to be implemented,
2. information about the terms-of-service agreement addendum, and
3. how the addendum can be incorporated into contracts executed under the state privacy law.

§ 5 — STUDENT DATA PRIVACY TASK FORCE

By law, there is a task force to study student data privacy issues. The bill adds the Connecticut Association of Schools' executive director, or her designee, as a member.

It also changes the deadline, from January 1, 2018 to January 1, 2019, for the task force to submit its report to the General Law and Education committees.

§ 6 — REPORTING REQUIREMENT

The bill requires, every year beginning with the school year starting

July 1, 2018, each board of education to submit a report to CET concerning the use of online services that do not have a contract that meets the standards required under the law and the bill. The report must indicate whether or not any of these online services are being so used, and, if so, a list of them.

BACKGROUND

CET

The commission, which by law is the principal educational technology policy advisor for state government, consists of state agency department heads and higher education, business, and municipal representatives (CGS § 4d-80).

HIPAA and FERPA

Except under specified circumstances, FERPA (20 U.S.C. 1232g) requires schools to obtain written permission from a minor’s parent or guardian before disclosing educational records to a third party. HIPAA (P.L. 104-191, as amended from time to time) sets national standards to protect the privacy of health information by defining and limiting the circumstances under which entities may use or disclose it.

COMMITTEE ACTION

Education Committee

Joint Favorable

Yea 35 Nay 0 (03/23/2018)