



General Assembly

Amendment

February Session, 2018

LCO No. 4159



Offered by:

REP. FLEISCHMANN, 18th Dist.
REP. MCCARTHY VAHEY, 133rd Dist.
REP. SANCHEZ, 25th Dist.
REP. LAVIELLE, 143rd Dist.

To: Subst. House Bill No. **5444**

File No. 445

Cal. No. 316

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

1 Strike lines 52 to 57, inclusive, in their entirety and insert the
2 following in lieu thereof:

3 "(7) A statement that student information, student records or
4 student-generated content shall not be retained or available to the
5 contractor upon [completion] expiration of the [contracted services
6 unless] contract between the contractor and a local or regional board of
7 education, except a student, parent or legal guardian of a student
8 [chooses] may choose to independently establish or maintain an
9 electronic account with the contractor after the expiration of such
10 contract for the purpose of storing student-generated content;"

11 Strike lines 90 to 95, inclusive, in their entirety and insert the
12 following in lieu thereof:

13 "(f) Any contract entered into on and after July 1, 2018, that does not
14 include (1) a provision required by subsection (a) of this section, or (2)
15 the terms-of-service agreement addendum described in section 1 of
16 this act, shall be void, provided the local or regional board of
17 education has given reasonable notice to the contractor and the
18 contractor has failed within a reasonable time to amend the contract to
19 include the provision required by subsection (a) of this section or the
20 terms-of-service agreement addendum."

21 Strike lines 118 to 136, inclusive, and insert the following in lieu
22 thereof:

23 "(i) A local or regional board of education shall not be required to
24 enter into a contract pursuant to this section if the use of an Internet
25 web site, online service or mobile application operated by a consultant
26 or an operator is unique and necessary to implement a child's
27 individualized education program or plan pursuant to Section 504 of
28 the Rehabilitation Act of 1973, as amended from time to time, and such
29 Internet web site, online service or mobile application is unable to
30 comply with the provisions of this section, provided (1) such Internet
31 web site, online service or mobile application complies with the Family
32 Educational Rights and Privacy Act of 1974, 20 USC 1232g, as
33 amended from time to time, and the Health Insurance Portability and
34 Accountability Act of 1996, P.L. 104-191, as amended from time to
35 time, (2) such board of education can provide evidence that it has
36 made a reasonable effort to (A) enter into a contract with such
37 consultant or operator to use such Internet web site, online service or
38 mobile application, and (B) find an equivalent Internet web site, online
39 service or mobile application operated by a consultant or an operator
40 that complies with the provisions of this section, (3) the consultant or
41 operator complies with the provisions of section 10-234cc, as amended
42 by this act, for such use, and (4) the parent or legal guardian of such
43 child, and, in the case of a child with an individualized education
44 program, a member of the planning and placement team, sign an
45 agreement that (A) acknowledges such parent or legal guardian is
46 aware that such Internet web site, online service or mobile application

47 is unable to comply with the provisions of this section, and (B)
 48 authorizes the use of such Internet web site, online service or mobile
 49 application. A local or regional board of education shall, upon the
 50 request of a parent or legal guardian of a child, provide the evidence
 51 described in subdivision (2) of this subsection to such parent or legal
 52 guardian."

53 After the last section, add the following and renumber sections and
 54 internal references accordingly:

55 "Sec. 501. (NEW) (*Effective July 1, 2018*) For the school year
 56 commencing July 1, 2018, and each school year thereafter, each local or
 57 regional board of education shall annually submit a report to the
 58 Commission for Educational Technology concerning the use of
 59 Internet web sites, online services or mobile applications without a
 60 contract pursuant to subsection (i) of section 10-234bb of the general
 61 statutes, as amended by this act. Such report shall indicate whether or
 62 not any such Internet web sites, online services or mobile applications
 63 are being so used, and, if so, a list of all such Internet web sites, online
 64 services or mobile applications."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>July 1, 2018</i>	New section