

Hall of the House of Representatives
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of House Bill No. 1961

TO ADOPT THE STUDENT ONLINE PERSONAL INFORMATION PROTECTION ACT.

Amendment No. 1 to House Bill No. 1961

Amend House Bill No. 1961 as originally introduced:

Page 1, line 24, delete "materials," and substitute "materials regarding a public school student in this state,"

AND

Page 1, line 29, delete "school," and substitute "public school,"

AND

Page 1, line 30, delete "operator" and substitute "operator for public school purposes"

AND

Page 1, delete lines 32 and 33, and substitute the following:
"website, service, or application and personally identifies a student, including without limitation a student's:"

AND

Page 2, line 19, delete "school activities" and substitute "school activities primarily"

AND

Page 2, line 24, delete "and"

AND

Page 2, line 29, delete "and"

AND

Page 2, delete line 31 "purposes: and" substitute "purposes;"



"twelve (K-12) public school purposes; and

(C) Operating at capacity; and

(4)(A) "Targeted advertising" means presenting advertisements to a student where the advertisement is selected based on information obtained or inferred from a student's online behavior, usage of applications, or covered information.

(B) "Targeted advertising" does not include advertising to a student at an online location based on a student's current visit to that online location or using the search query, without the collection and retention of the student's online activities over time."

AND

Page 3, line 1, delete "(2)" and substitute "(2)(A)"

AND

Page 3, delete line 3 and substitute the following:

"public school student except in furtherance of public school purposes.

(B) Compiling a profile does not include the collection and retention of account registration records or information that remains under the control of a student, parent, public school, or school district;"

AND

Page 3, delete line 7 and substitute the following:

"provisions of this section with respect to previously acquired student information that is subject to this section;"

AND

Page 3, delete lines 8 through 17 and substitute the following:

"(4) Disclose covered information of a public school student unless the disclosure is:

(A) Done in furtherance of public school purposes or to allow or improve operation and functionality within the student's classroom or school;

(B) Necessary disclosure to:

(i) Ensure legal or regulatory compliance or protect against liability;

(ii) Respond to or participate in the judicial process; or

(iii) Protect the safety of users or others or the security of the website, service, or application;

(C) Done to a service provider, if the operator contractually:

(i) Prohibits the service provider from using any covered information for any purpose other than providing the contracted service to or on behalf of the operator;

(ii) Prohibits the service provider from disclosing any covered information provided by the operator with subsequent third parties, unless the disclosure is expressly permitted under this section; and

(iii) Requires the service provider to implement and maintain reasonable security procedures and practices as provided under subsection (d) of this section; or

(D) Done for the public school, educational, or employment purpose requested by the student or the student's parent or guardian, provided that the information is not used or further disclosed for any other purpose."

AND

Page 3, line 22, delete "maintain security" and substitute "maintain reasonable security"

AND

Page 3, line 26, delete "covered information" and substitute "covered information within a reasonable time frame"

AND

Page 3, delete line 28 and substitute the following:
"the control of the public school or school district.

(e) Nothing under subdivision (b)(1), subdivision (b)(2), or subdivision (b) (3) of this section shall be construed to prohibit the use or disclosure of covered information with the affirmative consent of the public school, the student, or the student's parent or guardian in response to a clear and conspicuous notice of the use or disclosure."

AND

Page 3, line 29, delete "(e)" and substitute "(f)"

AND

Page 3, line 34, delete "the requirements" and substitute "the applicable requirements"

AND

Page 3, line 35, delete "or"

AND

Page 4, delete line 9 and substitute the following:

"kindergarten through grade twelve (K-12) public school purposes; or (3) To a state or local educational agency, including public schools and school districts, for public school purposes, as permitted by federal or state law."

AND

Page 4, line 10, delete "(f)" and substitute "(g)"

AND

Page 4, line 11, delete "deidentified" and substitute "aggregated or deidentified"

AND

Page 4, line 14, delete "improve" and substitute "develop or improve"

AND

Page 4, line 19, delete "aggregated deidentified" and substitute "aggregated or deidentified"

AND

Page 4, line 20, delete "development and improvement" and substitute "development or improvement"

AND

Page 4, line 22, delete "(g)" and substitute "(h)"

AND

Page 4, line 28, delete "or"

AND

Page 4, delete line 30 and substitute the following:

"connectivity to public schools, school districts, or students;

(4) The ability of an operator to use recommendation engines to recommend additional content or services to a student within an operator's website, service, or application without the response being determined in whole or in part by payment or other consideration from a third-party;

(5) The ability of an operator to respond to a student's request for information or for feedback without the information or response being determined in whole or in part by payment or other consideration from a third-party; or

(6) The ability of an operator to use or retain student information to ensure legal or regulatory compliance or to take precautions against liability."

AND

Page 4, line 31, delete "(h)" and substitute "(i)"

AND

Page 4, line 35, delete "(i)" and substitute "(j)"

AND

Page 5, delete lines 6 through 8 and substitute the following:

"(k) This section does not limit the ability of a student or the student's parent or guardian to download, export, transfer, or otherwise save or maintain his or her own student data or documents."

The Amendment was read _____

By: Representative Leding
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Chief Clerk