

# SB15-173: School District Data Protection and Transparency Act

Sponsors: Sen. Chris Holbert, Rep. Dan Pabon

**Overview:** The bill adds protections to existing state and federal law related to student data privacy and transparency. It responds to the vast growth of data collection in public education and the right of parents and legal guardians to see where their children's personally identifiable data is stored and how it is used. The bill engages vendors (operators) in transparency efforts.

## Transparency Objectives:

Assists school districts, charter schools and the charter institute to provide **transparency related to operator contracts** (vendors) that collect and use **student Personally Identifiable Information (PII)** to further education purposes.

Requires vendors (operators) to post contracts using Personally Identifiable Student Information (PII) on their websites.

Annually, requires school districts, charter schools, and the charter institute to post notice to parents listing all vendors with whom the entities share PII and link to the contracts on the vendor websites.

Prohibits selling student data, except with mergers and acquisitions; prohibits targeted advertising based on data collected from students in the course of their specific use of a vendor website or platform.

Improves district, charter school, and CSI response to parental and guardian rights related to student data privacy. <Does not apply to rural schools>

- Requires public education entities to develop an education technology plan that will provide notice to parents concerning PII data transferred to cloud computing services.
- Trains educators and students on data privacy.
- Allows public education entities to require deletion of data with vendors under its direct control.
- Provides notice to parents of any PII data breach.
- Gives interested parties recourse to the Colorado Department of Education and State Attorney General in the event of violation.

## Objectives of Disclosure

Ensures operators' public and conspicuous disclosure of covered data:

- Who is holding student data and where.
- Use and purpose of the data and specific data elements collected.
- How the data is accessed, controlled, and deleted; when data is given by the operator to other third parties.

## Operators will be able to:

Amass student profiles for education purposes.

Use "information" for maintaining, developing, supporting, improving, and diagnosing their online services.

Use "deidentified" information to improve products and market the effectiveness of the products.

Use covered information (PII) for adaptive learning or customized student learning purposes.

Market products or services to parents as long as the marketing comes from the general rather than PII-specific uses of a website or online product.

Disclose covered information to further the "public school purpose" of the online service; improve the operability, functionality, and security protection of the online service.

Disclose covered information to comply with federal and state law.

Disclose covered information for legitimate research purposes.

Share information with third parties who will "carry out legitimate educational functions delegated to it by the public education entities.

## No Requirements:

To prohibit educators from downloading apps or services used in classroom.

For public schools, charter schools or the Charter Institute to obtain parental consent prior to executing contracts or agreements.

For educators to get parental consent when downloading apps or services used in classrooms.

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## **Relevant federal law and other privacy initiatives:**

### **The 1998 Children's Online Privacy Protection Act (COPPA)**

applies to children under 13 and requires online operators that offer services targeted to children to:

*"provide notice on the website of what information is collected from children by the operator, how the operator uses such information, and the operator's disclosure practices for such information..."*

### **The 1974 Federal Education Rights and Privacy Act (FERPA)**

requires:

*"Educational agencies and institutions are required to notify parents and eligible students about their rights under FERPA."*

### **The 1978 Protection of Pupil Rights Amendment (PPRA)**

requires:

*"schools and districts to provide parents and students with effective notice of their PPRA rights, to provide notice to parents of district policies (developed and adopted in consultation with parents) regarding specific activities, and to notify them of the dates of specific events and the opportunity to opt out of participating in those events."*

### **The 2014 US Department of Education Guidance on Student Data Privacy** recommends:

*"that schools and districts clearly explain on their Web sites how and with whom they share student data, and that they post any school and district policies on outsourcing of school functions, including online educational services. Schools and districts may also want to post copies of the privacy and security provisions of important third party contracts."*

**The voluntary Student Privacy Pledge sponsored by the Software Information Industry Association (SIIA)**, signed by over 122 companies including Google and Microsoft, encourages vendors to:

*"Disclose clearly in contracts or privacy policies, including in a manner easy for parents to understand, what types of student personal information we collect, if any, and the purposes for which the information we maintain is used or shared with third parties."*

## **Student data included in Covered Information or CI:**

Information in the student's educational record or electronic mail

First and last name

Home address

Telephone number

Electronic mail address

Discipline or criminal records

Juvenile dependency records

Medical or health records

Social security number

Biometric information

Disabilities

Socioeconomic information

Political affiliations

Religious information

Text messages

Documents

Student identifiers

Search activity

Photos

Voice recordings

Food purchases

Geolocation information

## **Who qualifies as an Operator:**

Any operator designed, used and marketed for public school purposes including:

Internet web sites;

On-line services, including cloud computing services;

On-line applications; and

Mobile applications.

"Operator" does not include a school, a school district, the charter school institute, the department, or the state board.

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THE HISTORY OF THE UNITED STATES OF AMERICA

CHAPTER I

THE DISCOVERY OF AMERICA

1492

Christopher Columbus

1498

Vasco da Gama

1500

Pedro Álvares Cabral

1505

Vasco da Gama

1519

Ferdinand Magellan

1521

Rafael Alvarado

1522

Sebastião del Cantal

1525

Francisco de Almeida

1530

Tomé de Sousa

1533

Francisco de Almeida

1538

Tomé de Sousa

1542

Francisco de Almeida

1548

Tomé de Sousa

1550

Francisco de Almeida