

**SUBJECT:** Restricting the use of personally identifiable student information

**COMMITTEE:** Public Education — committee substitute recommended

**VOTE:** 12 ayes — Huberty, Bernal, Allen, Allison, K. Bell, Dutton, M. González, K. King, Meyer, Sanford, Talarico, VanDeaver

0 nays

1 absent — Ashby

**WITNESSES:** For — Laurie Vondersaar, Leander ISD; Jennifer Bergland, Texas Computer Education Association; (*Registered, but did not testify:* Jacquie Benestante, Autism Society of Texas; Chris Masey, Coalition of Texans with Disabilities; Jolene Sanders, Easterseals Central Texas; Colby Nichols, Instructional Material Coordinators' Association of Texas; Karla Burkholder, Schertz Cibolo Universal City ISD; Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Grover Campbell, Texas Association of School Boards; Lonnie Hollingsworth, Texas Classroom Teachers Association; Mark Terry, Texas Elementary Principals and Supervisors Association; Linda Litzinger, Texas Parent to Parent; Dee Carney, Texas School Alliance; Lisa Dawn-Fisher, Texas State Teachers Association; Kyle Piccola, The Arc of Texas; Jarod Love, The College Board; Donna Eurek; Lisa Flores; Bill Kelberlau; Julie Ross; Ruth York)

Against — None

On — David Edmonson, TechNet; (*Registered, but did not testify:* Eric Marin and Melody Parrish, Texas Education Agency; Drew Scheberle, The Greater Austin Chamber of Commerce)

**BACKGROUND:** Education Code sec. 32.151 defines "covered information" as personally identifiable information that is not publicly available and is created or provided by a student, a student's parent, or an employee of a school district or school campus. It also includes information gathered by an

operator of a website, online service, or mobile application that is designed, marketed, and known by the operator to be used for a school purpose.

Some have noted that schools that contract with third-party vendors lack a statewide standard of data protection or data sharing with regard to a student's personal information. There are concerns that this lack of standards leaves student information vulnerable to theft or malicious use.

**DIGEST:**

CSHB 2691 would require an operator that was approved by the Texas Education Agency or had a product adopted by the agency and had any covered information to use the unique identifier established by the Texas Student Data System or a successor management system to mask all personally identifiable student information.

The operator would be required to adhere to a state-required student data sharing agreement that included an established unique identifier standard for all operators as prescribed by the agency. A school district, open-enrollment charter school, regional educational service center, or other local education agency would be permitted to require an operator that contracted directly with the entity to adhere to such an agreement as well.

A national assessment provider that received covered information from a student or from a school district or campus on behalf of a student would not be required to enter into data protection or sharing agreements if the provider received the covered information solely to provide access to employment, educational scholarships, financial aid, or postsecondary educational opportunities.

The education commissioner could adopt rules as necessary to administer the bill.

The bill would take effect September 1, 2021.