

Amendment to HB 1612

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Student and Teacher Information Protection; Data Inventory Security Plan. Amend RSA
4 189:66, II to read as follows:

5 II. The department shall develop a detailed data security plan to present to the state board,
6 the legislative oversight committee established in RSA 193-C:7, and the commissioner of the
7 department of information technology. ***Each local education agency shall develop a detailed***
8 ***data security plan and policies for student information and privacy protection approved***
9 ***by the school board. The department of information technology may provide guidance***
10 ***and best practices for the plans.*** The *security* plan shall include:

- 11 (a) Privacy compliance standards.
12 (b) Privacy and security audits.
13 (c) Breach planning, notification, and procedures.
14 (d) Data retention and disposition policies.

15 2 Student and Teacher Information Protection; Data Inventory Security Plan. Amend the
16 introductory paragraph of RSA 189:66, IV to read as follows:

17 IV. The department ***and each local education agency*** shall make publicly available
18 students' and parents' rights under the Family Educational Rights and Privacy Act (FERPA), 20
19 U.S.C. section 1232g, et seq., and applicable state law including:

20 3 New Subparagraph; Student Online Personal Information; Definitions; Digital Badges.
21 Amend RSA 189:68-a, I by inserting after subparagraph (d) the following new subparagraph:

22 (e) "Digital Badges" means digital credentials or indicators that convey an array of
23 skills, interests, competencies, and achievements.

24 4 New Paragraph; Student Online Personal Information. Amend RSA 189:68-a by inserting
25 after paragraph I the following new paragraph:

26 I-a. The department or local education agency shall enter into a contract approved by the
27 appropriate board with each operator. The department or the department of information
28 technology may provide guidance and best practices for the contracts.

29 5 Student Online Personal Information. Amend RSA 189:68-a, II(b)(2) to read as follows:

30 (2) Delete a student's covered information ***as soon as specified by the contract*** if
31 the school or district requests deletion of data under the control of the school or district ***or upon***
32 ***termination of the contract unless the operator receives consent to retain the covered***

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1 *information from the student or, for a student under 18 years of age, the parent or legal*
2 *guardian of such student.*

3 6 New Paragraphs; Student Online Personal Information. Amend RSA 189:68-a by inserting
4 after paragraph II the following new paragraphs:

5 II-a. No school shall enter into a contract with an operator or implement the use of digital
6 badges without the approval of the school board.

7 II-b. Any school district that uses digital badges for students shall adopt a policy for
8 notifying a parent or legal guardian of such use and shall require the written consent of the parent
9 or legal guardian for the student's participation.

10 7 Effective Date. This act shall take effect 60 days after its passage.

2018-0754h

AMENDED ANALYSIS

This bill requires each local education agency to:

- I. Develop a data security plan.
- II. Make publicly available students' and parents' rights under the Family Educational Rights and Privacy Act.
- III. Requires school districts that use digital badges to obtain the written consent of a student's parent or legal guardian.
- IV. Modifies certain requirements for contracting with operators of Internet websites.