

Representative **Tiara Auxier** proposes the following amendments:

1. *Line 3 through 9:*

3 **LONG TITLE**

4 {**Committee Note:**}

5 { **The Education Interim Committee recommended this bill.** }

6 { **Legislative Vote: 13 voting for 2 voting against 4 absent** }

7 **General Description:**

8 This bill requires the termination of a contract with a third-party provider in certain
9 circumstances involving a failure to comply with state or federal privacy laws.

2. *Line 17 through 23:*

17 →terminate a contract with a third-party contractor that does not remedy the privacy
18 violation after notification;

19 →repeals a provision allowing a third-party contractor to respond to a student's request for
20 information or feedback; {**and**}

 →**requires the State Board of Education to conduct investigations of certain alleged
violations and audits of certain agreements; and**

21 →makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

3. *Line 57 through 63:*

57 with Subsection (2)(a)(iii) and prohibiting any fee or financial liability for the
58 termination;

59 (ii) within 30 days after the day on which the education entity or government agency
60 discovers a third-party contractor's unauthorized {**sale**} **usage** of student data or
61 information in violation of state or federal privacy laws, including this chapter, the
62 Family Education Rights and Privacy Act and related provisions under 20 U.S.C.
63 Secs. 1232g and 1232h, the Children's Online Privacy Protection Act, 15 U.S.C.

4. *Line 75 through 83:*

75 re-occurring.

76 (b) A third-party contractor may not impose a fee, seek damages, or otherwise assert any

77 financial liability against an education entity or government agency that terminates a
78 contract as a consequence of the contractor's unauthorized {sale} usage of student data or
79 information in violation of a relevant state or federal privacy law under Subsection
80 (2)(a)(iii).

- (c) (i) A person may submit a report of a suspected violation directly to the state board student data privacy team, through a reporting process that state board policy establishes.
- (ii) Upon receipt of a report described in Subsection (2)(c)(i), the state board student data privacy team shall, in accordance with state board policies and procedures:
- (A) conduct an initial review to determine whether the report is credible, relevant, and sufficiently specific to warrant action; and
- (B) if the report meets the standard described in Subsection ((2)(c)(ii)(A), initiate a compliance audit or investigation of the relevant vendor or contractor.
- (d) The state board, through the state board's student data privacy team, in conjunction with the relevant LEA, and in accordance with state board policies and procedures, shall conduct a compliance audit within six months of:
- (i) the execution of any new or renewed contract between an LEA and a third-party contractor that is subject to this section; or
- (ii) the creation or revision of a data privacy agreement.
- (3) As authorized by law or court order, a third-party contractor shall share student data as requested by law enforcement.
- (4) A third-party contractor may: