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An act relating to educational technology products

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 9 V.S.A. chapter 62 is amended to read:

CHAPTER 62. PROTECTION OF PERSONAL INFORMATION

* * *

Subchapter 3A. Student Privacy

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§ 2443f. ENFORCEMENT

(a) A person who violates a provision of this ~~chapter~~ subchapter commits an unfair and deceptive act in commerce in violation of section 2453 of this title.

(b) The Attorney General has the same authority to adopt rules to implement the provisions of this subchapter and to conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided under chapter 63, subchapter 1 of this title.

Subchapter 3B. Educational Technology

§ 2444a. REGISTRATION REQUIREMENTS

(a) Definitions. As used in this section:

(1) “Educational technology product” and “product” mean any student-facing software, application, or platform that may collect, process, or transmit

1 student data and that is used for teaching and learning purposes in a school in
2 Vermont.

3 (2) “Filing” means an initial registration, amendment, periodic report, or
4 other filing with the Secretary of State as the Secretary may require.

5 (3) “Provider of an educational technology product” and “provider”
6 mean a person that provides an educational technology product that is in use at
7 a school with or without a contract with the school or school district.

8 (4) “School” means a public school or an independent school approved
9 pursuant to 16 V.S.A. § 166.

10 (b) Mandatory data reporting. In addition to all other requirements of a
11 person registering with the Secretary of State pursuant to State law, a person
12 doing business in this State as a provider of an educational technology product
13 shall, at the time of a filing, provide the following:

14 (1) the name and primary physical, email, and internet addresses of the
15 person;

16 (2) a link to the most recent version of the privacy policy and terms and
17 conditions of each product in use;

18 (3) the name of each school or school district in which the provider is
19 operating pursuant to a contract;

20 (4) the name and a brief description of each product of the provider, also
21 indicating which products are offered at no cost to schools;

1 (4) determine where assistive technology may be included in an
2 individualized education plan;

3 (5) provide a recommendation as to how the State should certify
4 educational technology products for use in schools, including:

5 (A) which State entities should be involved in the certification
6 process and to what extent;

7 (B) the criteria to be considered in the certification process, which at
8 the minimum shall include:

9 (i) the product's compliance with State curriculum standards;

10 (ii) advantages of using the product compared with nondigital
11 methods;

12 (iii) whether the product was explicitly designed for educational
13 use;

14 (iv) design features of the product, including any:

15 (I) geolocation tracking;

16 (II) use of artificial intelligence, which includes chatbots,
17 synthetic content, and automated decision-making tools;

18 (III) targeted advertising;

19 (IV) personalized recommendation systems;

20 (V) access to adults unknown to a student; and

21 (VI) features that would lead to compulsive use;

1 (v) whether the product serves as beneficial assistive technology
2 or provides some other form of benefit for special education purposes; and

3 (vi) the data privacy practices of the provider of the product;

4 (C) the timeline and estimated cost to establish and implement the
5 certification process;

6 (D) the estimated cost or cost savings for schools assuming a State
7 certification process is established; and

8 (E) whether any third-party services, including Internet Safety Labs,
9 should be utilized to assist in certification; and

10 (6) provide the General Assembly with any other information it deems
11 relevant to help ensure that educational technology products are safely and
12 smartly used in Vermont schools.

13 (b) Report. On or before November 15, 2027, the Agency of Education
14 shall submit a written report to the House Committees on Commerce and
15 Economic Development and on Education and the Senate Committees on
16 Economic Development, Housing and General Affairs and on Education with
17 its findings and information gathered pursuant to subsection (a) of this section
18 along with any recommendations for legislative action concerning the
19 certification of educational technology products.

20 Sec. 3. EFFECTIVE DATE

21 This act shall take effect on July 1, 2026.