

1 H.650

2 Introduced by Representatives Arsenault of Williston and Graning of Jericho

3 Referred to Committee on

4 Date:

5 Subject: Commerce and trade; protection of personal information; educational  
6 technology certification

7 Statement of purpose of bill as introduced: This bill proposes to require that  
8 providers of educational technology products register annually with the State.

9 It also requires the Secretary of State to create a certification standard and  
10 review process for these products before they can be used by schools.

11 An act relating to educational technology products

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

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

14 CHAPTER 62. PROTECTION OF PERSONAL INFORMATION

15 \* \* \*

16 Subchapter 3A. Student Privacy

17 \* \* \*

18 § 2443f. ENFORCEMENT

19 ~~A person who violates a provision of this chapter subchapter commits an~~

1 ~~unfair and deceptive act in commerce in violation of section 2453 of this title~~

2 Subchapter 3B. Educational Technology

3 § 2444a. DEFINITIONS

4 As used in this subchapter:

5 (1) “Educational technology product” and “product” means any student-  
6 facing software, application, or platform that may collect, process, or transmit  
7 student data and that is used for teaching and learning purposes in a school.

8 (2) “Provider of an educational technology product” and “provider”  
9 means a person that operates an educational technology product that is in use  
10 at a school with or without a contract with the school or school district.

11 (3) “School” means a public school or an independent school approved  
12 pursuant to 16 V.S.A. § 166.

13 § 2444b. ANNUAL REGISTRATION

14 (a) Annually, on or before January 31 following a year in which a person  
15 meets the definition of a provider of an educational technology product as set  
16 forth in section 2444a of this subchapter, the person shall:

17 (1) register with the Secretary of State;

18 (2) pay a registration fee of \$100.00;

19 (3) provide the following information during registration:

20 (A) the name and primary physical, email, and internet addresses of  
21 the person, and

1 ~~(B) the most recent version of the privacy policy and terms and~~  
2 ~~conditions in use by the product; and~~

3 ~~(4) list the names of all the products operated by the provider and which~~  
4 ~~products, if any, have been certified by the Secretary of State pursuant to this~~  
5 ~~subchapter.~~

6 ~~(b) A provider that fails to register and provide all required information~~  
7 ~~pursuant to subsection (a) of this section:~~

8 ~~(1) is liable to the State for:~~

9 ~~(A) a civil penalty of \$50.00 for each day, not to exceed a total of~~  
10 ~~\$10,000.00 for each year, it fails to register pursuant to this section;~~

11 ~~(B) an amount equal to the fees due under this section during the~~  
12 ~~period it failed to register pursuant to this section; and~~

13 ~~(C) other penalties imposed by law; and~~

14 ~~(2) does not otherwise limit the provider's responsibility to comply with~~  
15 ~~the provisions required of providers set forth in this subchapter.~~

16 ~~(c) The Attorney General may maintain an action in the Civil Division of~~  
17 ~~the Superior Court to collect the penalties imposed in this section and to seek~~  
18 ~~appropriate injunctive relief.~~

19 § 2444c. PRODUCT CERTIFICATION

20 ~~(a)(1) The Secretary of State shall.~~

1 ~~(A) have the sole authority to certify an educational technology~~  
2 ~~product as set forth in this section; and~~

3 ~~(B) create a form on its website where a provider of an educational~~  
4 ~~technology product can apply for the product to be reviewed by the Secretary~~  
5 ~~of State for certification.~~

6 ~~(2) No school shall use an educational technology product that has not~~  
7 ~~been certified by the Secretary of State pursuant to this section.~~

8 ~~(b) The Secretary of State shall develop, publish, and annually review the~~  
9 ~~standards for the certification of an educational technology product. In~~  
10 ~~developing the certification standards, the Secretary of State shall consider the~~  
11 ~~following about an educational technology product:~~

12 ~~(1) the product's compliance with State curriculum standards;~~

13 ~~(2) advantages of using the product compared with nondigital methods;~~

14 ~~(3) whether the product was explicitly designed for educational use;~~

15 ~~(4) design features of the product, including any:~~

16 ~~(A) geolocation tracking;~~

17 ~~(B) use of artificial intelligence;~~

18 ~~(C) targeted advertising;~~

19 ~~(D) personalized recommendation systems;~~

20 ~~(E) access to adults unknown to a student; and~~

21 ~~(F) features that would lead to compulsive use,~~

- 1 ~~(5) the data privacy practices of the provider of the product; and~~
- 2 ~~(6) any other factor the Secretary of State believes is relevant to the~~
- 3 ~~education, privacy, and safety of students.~~
- 4 ~~(c) Notwithstanding subsection (b) of this section, a certified product shall:~~
- 5 ~~(1) be compliant with all federal and State privacy laws, including the~~
- 6 ~~federal Children’s Online Privacy Protection Act;~~
- 7 ~~(2) include clear and easy-to-understand product information;~~
- 8 ~~(3) provide the following to a parent or guardian of a student:~~
- 9 ~~(A) what personal information of the student is collected by the~~
- 10 ~~product;~~
- 11 ~~(B) how the personal information collected pursuant to subdivision~~
- 12 ~~(A) of this subdivision (3) is maintained, used, and shared by the product; and~~
- 13 ~~(C) the ability to access, correct, and delete the personal information~~
- 14 ~~of the student;~~
- 15 ~~(4) not collect:~~
- 16 ~~(A) student data that is not essential for the product to function~~
- 17 ~~effectively for the purpose for which it is being utilized;~~
- 18 ~~(B) demographic data of a student except for the name and grade~~
- 19 ~~level of the student; and~~
- 20 ~~(C) behavioral, interactional, or sensitive health data of a student;~~
- 21 ~~and~~

1 ~~(5) not use any data collected to:~~

2 ~~(A) sell to or share with a third party; or~~

3 ~~(B) create a student profile for noneducational uses, which includes~~  
4 ~~targeted advertising and disciplinary actions.~~

5 ~~(d) The Secretary of State shall post on its website and regularly update a~~  
6 ~~list of educational technology products that have been certified by the~~  
7 ~~Secretary of State pursuant to this section. The Secretary of State may list~~  
8 ~~products that are under active consideration by the Secretary of State and~~  
9 ~~products that have failed certification.~~

10 ~~(e) Nothing in this section shall be construed to limit or alter obligations~~  
11 ~~under the Individuals with Disabilities Education Act, Section 504 of the~~  
12 ~~Rehabilitation Act, or the Americans with Disabilities Act. Schools shall~~  
13 ~~provide reasonable modifications and necessary assistive technology to ensure~~  
14 ~~Free Appropriate Public Education and equal access.~~

15 ~~(f)(1) A provider that violates this section commits an unfair and deceptive~~  
16 ~~act in commerce in violation of section 2453 of this title.~~

17 ~~(2) The Attorney General shall have the same authority under this~~  
18 ~~subchapter to make rules, conduct civil investigations, bring civil actions, and~~  
19 ~~enter into assurances of discontinuance as provided under chapter 63 of this~~  
20 ~~title.~~

21 ~~\*\*\*~~

1 ~~Sec. 2. CERTIFICATION TRANSITION~~

2 ~~A school shall submit a list of educational technology products, as that term~~  
3 ~~is defined in 9 V.S.A. § 2444a, that are currently in use at the school to the~~  
4 ~~Secretary of State on or before December 15, 2026, in a form and manner~~  
5 ~~prescribed by the Secretary of State. A school may use an educational~~  
6 ~~technology product that has not been certified by the Secretary of State on or~~  
7 ~~before June 30, 2027.~~

8 Sec. 3. EFFECTIVE DATES

9 This act shall take effect on July 1, 2026, except that 9 V.S.A. § 2444c(a)(2)  
10 ~~(certified product requirement) shall take effect on July 1, 2027.~~

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

*CHAPTER 62. PROTECTION OF PERSONAL INFORMATION*

*\* \* \**

*Subchapter 3A. Student Privacy*

*\* \* \**

*§ 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 student data and that is used for teaching and learning purposes in a school in Vermont.

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

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

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

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

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

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

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

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

(5) which products are known by the provider to be in use in any school or school district; and

(6) an attestation that each product meets:

(A) the standards set forth in subchapter 3A of this chapter and subchapter 6 of this chapter (the Vermont Age-Appropriate Design Code Act); and

(B) all federal and State privacy laws, including the federal Children's Online Privacy Protection Act.

\* \* \*

*Sec. 2. EDUCATIONAL TECHNOLOGY REGISTRATION REVIEW;*

*CERTIFICATION; AGENCY OF EDUCATION; REPORT*

(a) Task. The Agency of Education shall:

(1) in consultation with the Secretary of State, review all educational technology product provider registrations pursuant to 9 V.S.A. § 2444a;

(2) in consultation with schools, create a list of educational technology products in use across the State;

(3) cross-reference the information gathered in subdivisions (1) and (2) of this subsection to determine the names of any unregistered educational technology providers operating in the State and forward the names of such providers to the Office of the Attorney General;

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

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

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

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

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

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

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

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

(I) geolocation tracking;

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

(III) targeted advertising;

(IV) personalized recommendation systems;

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

(VI) features that would lead to compulsive use;

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

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

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

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

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

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

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

*Sec. 3. EFFECTIVE DATE*

This act shall take effect on July 1, 2026.