

H.650

Introduced by Representatives Arsenault of Williston and Graning of Jericho

Referred to Committee on

Date:

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

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

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

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

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Subchapter 3A. Student Privacy

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§ 2443f. ENFORCEMENT

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.

Subchapter 3B. Educational Technology

§ 2444a. DEFINITIONS

As used in this subchapter:

(1) “Educational technology product” and “product” means 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.

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

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

§ 2444b. ANNUAL REGISTRATION

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

(1) register with the Secretary of State;

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

(3) provide the following information during registration:

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

21 (5) not use any data collected to:

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

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

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

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

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

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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.