

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

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18 § 2443f. ENFORCEMENT

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

1 Subchapter 3B. Educational Technology

2 § 2444a. DEFINITIONS

3 As used in this subchapter:

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

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

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

12 § 2444b. ANNUAL REGISTRATION

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

16 (1) register with the Secretary of State;

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

18 (3) provide the following information during registration:

19 (A) the name and primary physical, email, and internet addresses of
20 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;

(5) the data privacy practices of the provider of the product; and

(6) any other factor the Secretary of State believes is relevant to the education, privacy, and safety of students.

(c) Notwithstanding subsection (b) of this section, a certified product shall

(1) be compliant with all federal and State privacy laws, including the federal Children's Online Privacy Protection Act;

(2) include clear and easy-to-understand product information;

(3) provide the following to a parent or guardian of a student:

(A) what personal information of the student is collected by the product;

(B) how the personal information collected pursuant to subdivision (A) of this subdivision (3) is maintained, used, and shared by the product; and

(C) the ability to access, correct, and delete the personal information of the student;

(4) not collect:

(A) student data that is not essential for the product to function effectively for the purpose for which it is being utilized;

(B) demographic data of a student except for the name and grade level of the student; and

(C) behavioral, interactional, or sensitive health data of a student; and

(5) not use any data collected to:

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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.