

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Commerce and Economic Development to which was
3 referred House Bill No. 650 entitled “An act relating to educational technology
4 products” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

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

8 CHAPTER 62. PROTECTION OF PERSONAL INFORMATION

9 * * *

10 Subchapter 3A. Student Privacy

11 * * *

12 § 2443f. ENFORCEMENT

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

15 Subchapter 3B. Educational Technology

16 § 2444a. DEFINITIONS

17 As used in this subchapter:

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

1 (2) “Provider of an educational technology product” and “provider”
2 means a person that operates an educational technology product that is in use at
3 a school with or without a contract with the school or school district. A
4 provider shall utilize geolocation and IP address tracking technologies to
5 determine whether one of its contract-free products is being used in a school.

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

8 § 2444b. ANNUAL REGISTRATION

9 (a) Registration. A person, not more than 30 days after meeting the
10 definition of a provider of an educational technology product and then once
11 annually thereafter on or before July 1 of each year, shall:

12 (1) register with the Secretary of State;

13 (2) pay a registration fee of \$500.00;

14 (3) provide the following information during registration:

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

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

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

1 (D) the name and a brief description of each product operated by the
2 provider; and

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

5 (4) attest that each product being used in a school meets:

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

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

10 (b) Penalties. A person that fails to register, that fails to provide all
11 required information, or that provides incorrect information pursuant to
12 subsection (a) of this section:

13 (1) is liable to the State for:

14 (A) a civil penalty of \$50.00 for each day, not to exceed a total of
15 \$10,000.00 for each year, it fails to register pursuant to this section;

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

18 (C) other penalties imposed by law; and

19 (2) is not otherwise limited in its responsibility to comply with the
20 provisions required of providers set forth in this subchapter.

1 (c) Enforcement. The Attorney General may maintain an action in the
2 Civil Division of the Superior Court to collect the penalties imposed in this
3 section and to seek appropriate injunctive relief.

4 **Sec. 2. EDUCATIONAL TECHNOLOGY REGISTRATION REVIEW;**
5 **CERTIFICATION; AGENCY OF EDUCATION; REPORT**

6 (a) Task. The Agency of Education, in consultation with the Secretary of
7 State, shall:

8 (1) review all educational technology product provider registrations
9 pursuant to 9 V.S.A. § 2444b(a);

10 (2) create a list of educational technology products in use across the
11 State upon consulting with schools;

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

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

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

- 1 (B) the criteria to be considered in the certification process, which at
2 the minimum shall include:
- 3 (i) the product’s compliance with State curriculum standards;
4 (ii) advantages of using the product compared with nondigital
5 methods;
- 6 (iii) whether the product was explicitly designed for educational
7 use;
- 8 (iv) design features of the product, including any:
- 9 (I) geolocation tracking;
10 (II) use of artificial intelligence;
11 (III) targeted advertising;
12 (IV) personalized recommendation systems;
13 (V) access to adults unknown to a student; and
14 (VI) features that would lead to compulsive use; and
- 15 (v) the data privacy practices of the provider of the product;
- 16 (C) the timeline needed to establish and implement the certification
17 process; and
- 18 (D) whether any third-party services, including Internet Safety Labs,
19 should be utilized to assist in certification; and

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

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

11 Sec. 3. EFFECTIVE DATE

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

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14 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE