

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

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

1 Subchapter 3B. Educational Technology

2 § 2444a. REGISTRATION REQUIREMENTS

3 (a) Definitions. As used in this section:

4 (1) “Educational technology product” and “product” mean 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 in
7 Vermont.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (iv) design features of the product, including any:
- 2 (I) geolocation tracking;
- 3 (II) use of artificial intelligence, which includes chatbots,
- 4 synthetic content, and automated decision-making tools;
- 5 (III) targeted advertising;
- 6 (IV) personalized recommendation systems;
- 7 (V) access to adults unknown to a student; and
- 8 (VI) features that would lead to compulsive use;
- 9 (v) whether the product serves as beneficial assistive technology
- 10 or provides some other form of benefit for special education purposes; and
- 11 (vi) the data privacy practices of the provider of the product;
- 12 (C) the timeline and estimated cost to establish and implement the
- 13 certification process;
- 14 (D) the estimated cost or cost savings for schools assuming a State
- 15 certification process is established; and
- 16 (E) whether any third-party services, including Internet Safety Labs,
- 17 should be utilized to assist in certification; and
- 18 (6) provide the General Assembly with any other information it deems
- 19 relevant to help ensure that educational technology products are safely and
- 20 smartly used in Vermont schools.

