

SUBJECT: Requiring distance learning cybersecurity, privacy policies for schools

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 11 ayes — Paddie, Deshotel, Harless, Howard, Hunter, P. King, Lucio, Metcalf, Raymond, Shaheen, Slawson

0 nays

2 absent — Hernandez, Smithee

WITNESSES: For — (*Registered, but did not testify:* Andrea Chevalier, Association of Texas Professional Educators; Megan Herring, Texas Association of Business; Dana Harris, The Greater Austin Chamber of Commerce; Thomas Parkinson; Mark Terry)

Against — None

BACKGROUND: Some have suggested requiring school districts to adopt policies to protect the privacy and safety of students after incidents of "Zoom bombing" affected students and teachers using videoconferencing platforms for distance learning during the COVID-19 pandemic.

DIGEST: CSHB 3743 would require each school district that contracted with an outside provider to provide web services to facilitate distance learning to maintain a contract with the provider that ensured:

- an industry-standard base level of cybersecurity and privacy protection for students and educators; and
- compliance with all applicable state and federal law governing the confidentiality of student and educator information.

A school district could not retain a recording of distance learning instruction for more than 30 days after the recording was made except to comply with recording and retention laws applicable to students enrolled in special education programs. A recording of distance learning

instruction would be confidential and not subject to open meetings or public disclosure laws.

The bill would take effect September 1, 2021.