

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **HB 2631**, as amended by House Committee, on page 1, in line 8, before "Section" by inserting "New";

On page 3, following line 14, by inserting:

"Sec. 2. K.S.A. 72-6332 is hereby amended to read as follows: 72-6332. As used in K.S.A. 72-6331 through 72-6334, and amendments thereto:

(a) "Educational purposes" means purposes that are directed by an employee or agent of a school district, that customarily take place at an attendance center operated by a school district or that aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities and collaboration between students, school personnel or parents, or which are otherwise for the use and benefit of the school district.

(b) "Interactive computer service" means any service, system or software provider that provides or enables multiple users access to a computer server, including a service or system that provides access to the internet and systems or services offered by libraries or educational institutions.

(c) "Educational online product" means an internet website, online service, online application or mobile application that is used primarily, and was designed and marketed for, educational purposes.

(d)(1) "Operator" means, to the extent it is operating in this capacity, the operator of an educational online product with actual knowledge that the educational online product is used primarily for educational purposes and was designed and marketed for educational purposes. For

~~the purposes of this act;~~

(2) The term "operator" ~~shall not be construed to~~ does not include:

(A) Any school district or school district employee acting on behalf of a school district employer; or

(B) any national assessment provider that is administering a college and career readiness assessment.

(e) "Personally identifiable information" means information that personally identifies an individual student or that is linked to information that personally identifies an individual student, including, but not limited to: (1) Information in the student's educational record or electronic mail; (2) first and last name; (3) home address; (4) telephone number; (5) electronic mail address; (6) any other information that allows physical or online contact with the student; (7) discipline records; (8) test results; (9) data that is a part of or related to any individualized education program for such student; (10) juvenile dependency records; (11) grades; (12) evaluations; (13) criminal records; (14) medical records; (15) health records; (16) social security number; (17) biometric information; (18) disabilities; (19) socioeconomic information; (20) food purchases; (21) political affiliations; (22) religious information; (23) text messages; (24) documents; (25) student identifiers; (26) search activity; (27) photos; (28) voice recordings; or (29) geolocation information.

(f) "School district" means any unified school district organized and operating under the laws of this state.

(g) "Service provider" means a person or entity that provides a service to an operator, or provides a service that enables users to access content, information, electronic mail or other services offered over the internet or a computer network.

(h) "Student information" means personally identifiable information or material in any media or format that is not otherwise available to the public and was:

(1) Created by an operator in the course of the use of the operator's educational online product for educational purposes;

(2) provided to an operator by a student, or the student's parent or legal guardian, in the course of the use of the operator's educational online product for educational purposes;

(3) created by an operator as a result of the activities of an employee or agent of a school district;

(4) provided to an operator by an employee or agent of a school district for educational purposes; or

(5) gathered by an operator through the operation of such operator's educational online product for educational purposes.

(i) "Targeted advertising" means presenting an advertisement to a student where the advertisement is selected based on information obtained or inferred over time from that student's online behavior, usage of online applications or student information. Targeted advertising does not include advertising to a student at an online location based upon that student's current visit to that location, or in response to that student's request for information or feedback, without the retention of that student's online activities or requests over time for the purpose of targeting subsequent ads.

Sec. 3. K.S.A. 72-6332 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "career technical education" and inserting "college and career readiness"; in line 4, by striking all after the semicolon; in line 5, by striking

all before the period and inserting "exempting national assessment providers from the student online personal protection act; amending K.S.A. 72-6332 and repealing the existing section"

_____District.