1          SENATE BILL NO. 264

2          AMENDMENT IN THE NATURE OF A SUBSTITUTE

3          (Proposed by the Senate Committee on Education and Health

4          on _____)

5          (Patron Prior to Substitute--Senator Craig)

6     A BILL to amend the Code of Virginia by adding a section numbered 22.1-23.4, relating to Department

7          of Education; school boards; student online activity; data collection, monitoring, and restrictions.

8     **Be it enacted by the General Assembly of Virginia:**

9     **1. That the Code of Virginia is amended by adding a section numbered 22.1-23.4 as follows:**

10          **§ 22.1-23.4. Student online activity; data collection, monitoring, and restrictions.**

11          A. As used in this section:

12          "Collected" means gathered and maintained, regardless of method or format, for the purpose of

13     review.

14          "Student online activity data" means metadata collected on students' online activity, including

15     search engine queries, browsing history, emails, messages, social media content, and any nonacademic

16     content collected from school-issued computers. "Student online activity data" does not include academic

17     performance data collected by the school division or data collected by nonprofit providers of college and

18     career assessments, programs, and services.

19          B. The Department shall establish reporting expectations for school divisions that collect student

20     online activity data. If no school within a school division collects student online activity data, the school

21     board shall submit written documentation to the Department stating that no school within the school

22     division collects student online activity data to satisfy such reporting expectations. If any school within a

23     school division collects student online activity data, the school board shall adhere to the following student

24     online activity data collection requirements:

25          1. Disclose to the parents (i) what student online activity is tracked and monitored when using

26     school devices on school property; (ii) what student online activity data is being collected when using

27    school devices; (iii) what student online activity or student online activity data would create an alert and

28    how the alert will be acted on if identified, what action will be taken based on the alert, who will be

29    contacted as a result of the alert, and with whom the alert data will be shared; and (iv) what student online

30    activity or associated student online activity data is added to a student's permanent record;

31          2. Include in the school division's acceptable use policy for the Internet required pursuant to §

32    22.1-70.2 that student online activity is being tracked and associated student online activity data is

33    collected;

34          3. As available to the school division, provide the parents of an enrolled student with the ability to

35    access any student online activity data for such student that is collected by the school board, school

36    division, or school, or any school board, school division, or school employee;

37          4. Notify the parents of an enrolled student after an alert is created or action is taken based on the

38    online activity of such student or associated student online activity data but before the student is notified

39    of such alert or action, unless such a parental notification creates a significant concern for the safety of

40    such student; and

41          5. Prohibit the inclusion of student online activity data in a student's permanent record except in

42    the most severe cases, as defined, set forth, and made publicly available by the Department in a guidance

43    document.

44          C. The Department shall design and distribute, to each school board, a template that each such

45    school board shall use to make the disclosures to parents that are required pursuant to subdivision B 1 and

46    also disclose (i) at what times of the day student online activity is tracked or monitored or associated

47    student online activity data is collected, (ii) who receives such data, and (iii) when and with whom such

48    data is shared.

49          D. The Board shall create and distribute to each school board best practices for deleting student

50    online activity data.

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