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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 29  
135<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for S.B. 29's Bill Analysis](#)

**Version:** As Reported by House Primary and Secondary Education

**Primary Sponsor:** Sen. S. Huffman

**Local Impact Statement Procedure Required:** No

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### Highlights

- School districts may incur minimal administrative costs to review and modify contracts with technology providers, comply with various notification requirements, and revise policies and procedures.

### Detailed Analysis

The bill generally governs the collection, use, and protection of educational records by technology providers in an effort to protect student privacy, improve data security, and increase transparency with respect to the student educational records to which a technology provider has access. Accordingly, most of the requirements of the bill fall on the technology providers contracted by a school district. However, the bill requires a school district to comply with certain requirements, listed below, that may minimally increase administrative costs. Under the bill, a school district must:

- Ensure that any contract with a technology provider includes appropriate safeguards for educational records.
- Provide parents and students notice, by August 1 of each school year, of any curriculum, testing, or assessment technology provider contract affecting a student's educational records. The notification must (1) identify technology providers with access to educational records, (2) identify the affected educational records, and (3) provide information about contract inspection as well as contact information for the school department to which questions may be addressed. Under similar legislation recently

enacted in Minnesota,<sup>1</sup> school districts in that state seem to be meeting this requirement by posting spreadsheets listing technology applications, their purpose, the data elements they collect, and links to terms of service and the technology provider's privacy policy.

- Adhere to prohibitions against electronically accessing or monitoring a student's activity on a school-issued device except in certain circumstances. The district must annually provide written notice to the parents of enrolled students if it elects to generally monitor for circumstances that trigger the bill's exceptions. If one of the circumstances is triggered, the district must provide written notice to the student's parent within 72 hours of the access with a description of the triggering circumstance, including (1) which features of the device were accessed, and (2) a description of the threat if any. A notable exception to the 72-hour rule is if the electronic accessing or monitoring is required to prevent or respond to a threat to life or safety. In that case the written notice must be provided within 72 hours after the threat has ceased. This provision may require districts to review and update policies and procedures.

The bill also allows the State Board of Education to refuse to issue, suspend, revoke, or limit the license of an individual who uses or releases information that is confidential under state or federal law concerning a student or student's family members for purposes other than student instruction. While the State Board's Office of Professional Conduct may receive additional referrals for discipline as a result of the bill, any additional cases likely can be supported by existing resources. This is because the Licensure Code of Professional Conduct already requires educators to comply with local, state, and federal laws related to maintaining confidential information<sup>2</sup> and investigations for releasing confidential information are rare. For reference, the Office opened 1,275 investigations in 2022, which involved 1,692 different offenses. Of these, three offenses involved the disclosure of confidential information.<sup>3</sup>

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<sup>1</sup> See [Laws of Minnesota 2022, Reg. Sess. Chapter 69-H.F.No. 2353 section, 13.32, subdivision 1](#).

<sup>2</sup> See the State Board of Education's [Licensure Code of Professional Conduct \(PDF\)](#), which is accessible by conducting a keyword "Professional Conduct" search on the State Board of Education (SBOE) website: [sboe.ohio.gov](http://sboe.ohio.gov).

<sup>3</sup> See the DEW [2022 Educator Conduct Report, August 2023 \(PDF\)](#) which is available on the State Board of Education's website under professional conduct "Resources and Frequently Asked Questions": [sboe.ohio.gov](http://sboe.ohio.gov).