

STATE BOARD OF EDUCATION
Action Item
August 23, 2023

SUBJECT: Approval of New Rule 6A-1.09550, Student Online Personal Information Protection

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1006.1494, Florida Statutes

EXECUTIVE SUMMARY

This rule sets forth requirements for policies that must be adopted by school districts and charter school governing boards to protect personally identifiable information of students when using required online educational services. The rule also provides minimum requirements for contracts or agreements where student information will be disclosed to or used by third-party vendors or service providers. This includes the collection, disclosure, or selling of student data, or from using student data.

The rule requires school districts and charter school governing boards to:

- Review and approve online educational services and adopt policies to protect students' personally identifiable information (PII) from misuse, data mining and targeted advertising. This includes but is not limited to specific notification procedures and a prohibition against using any online educational service that will share or sell a student's PII for commercial purposes.
- Designate a person(s) responsible for approving required online educational services and the procedure for seeking approval.
- Provide notice on its website of PII information that may be collected, its use, when it will be destroyed and terms of re-disclosure.

The rule requires contracts and agreements with Third-Party Vendors to:

- Protect the privacy of education records and student PII for all contracts and agreements executed on behalf of a school district or charter school.
- Comply with FERPA, its implementing regulations; Section 1002.22, F.S.; COPPA, 15 U.S.C. ss. 6501-6506, (where applicable) and its implementing regulations, and the Student Online Personal Information Protection Act, Section 1006.1494, F.S.
- Ensure that only the necessary PII will be disclosed for the service provided, and prohibit disclosure or re-disclosure of student PII, unless authorized.

Any violation of this rule:

- Department of Legal Affairs is the sole entity authorized to bring an enforcement action against an entity that violates this rule.

Supporting Documentation Included: Proposed Rule 6A-1.09550, F.A.C.

Facilitator/Presenter: Dr. Paul Burns, Chancellor, Division of Public Schools