

2SSB 5064 - S AMD 202

By Senator Rolfes

1 On page 15, after line 5, insert the following:

2 "Sec. 8. RCW 28A.604.010 and 2015 c 277 s 2 are each amended to
3 read as follows:

4 The definitions in this section apply throughout this chapter
5 unless the context clearly requires otherwise.

6 (1) "School service" means a web site, mobile application, or
7 online service that: (a) Is designed and marketed primarily for use
8 in a K-12 school; (b) is used at the direction of teachers or other
9 employees of a K-12 school; and (c) collects, maintains, or uses
10 student personal information. (~~(A "school service" does not include a
11 web site, mobile application, or online service that is designed and
12 marketed for use by individuals or entities generally, even if also
13 marketed to a United States K-12 school.)~~)

14 (2) "School service provider" means an entity that operates a
15 school service to the extent it is operating in that capacity.

16 (3) "Student personal information" means information collected
17 through a school service that personally identifies an individual
18 student or other information collected and maintained about an
19 individual student that is linked to information that identifies an
20 individual student.

21 (4) "Students" means students of K-12 schools in Washington
22 state.

23 (5) "Targeted advertising" means sending advertisements to a
24 student where the advertisement is selected based on information
25 obtained or inferred from that student's online behavior, usage of
26 applications, or student personal information. It does not include
27 (a) advertising to a student at an online location based upon that
28 student's current visit to that location without the collection and
29 retention of a student's online activities over time or (b) adaptive
30 learning, personalized learning, or customized education.

1 **Sec. 9.** RCW 28A.604.901 and 2015 c 277 s 8 are each amended to
2 read as follows:

3 This chapter shall not be construed to:

4 (1) Impose a duty upon a provider of an interactive computer
5 service, as defined in 47 U.S.C. Sec. 230, to review or enforce
6 compliance with this section by third-party content providers;

7 ~~(2) ((Apply to general audience internet web sites, general
8 audience mobile applications, or general audience online services
9 even if login credentials created for a school service provider's web
10 site, mobile application, or online service may be used to access
11 those general audience web sites, mobile applications, or online
12 services;~~

13 ~~(3))~~ Impede the ability of students to download, export, or
14 otherwise save or maintain their own student data or documents;

15 ~~((4))~~ (3) Limit internet service providers from providing
16 internet connectivity to schools or students and their families;

17 ~~((5))~~ (4) Prohibit a school service provider from marketing
18 educational products directly to parents so long as the marketing did
19 not result from use of student personal information obtained by the
20 school service provider through the provision of its web site, mobile
21 application, or online service; or

22 ~~((6))~~ (5) Impose a duty on a school service provider of an
23 electronic store, gateway, marketplace, or other means of purchasing
24 or downloading software or applications to review or enforce
25 compliance with this chapter on those applications or software."

26 Renumber the remaining section consecutively.

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27 On page 1, line 2 of the title, after "19.255.010" strike "and
28 42.56.590" and insert ", 42.56.590, 28A.604.010, and 28A.604.901"

EFFECT: Removes the general audience exemption from the Student
User Privacy in Education act.

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