**5064-S2 AMS ROLF S2750.1 - NOT FOR FLOOR USE**

**2SSB 5064** - S AMD **202**

By Senator Rolfes

**NOT CONSIDERED 12/23/2019**

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

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

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

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

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

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

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

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

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

This chapter shall not be construed to:

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

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

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

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

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

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

Renumber the remaining section consecutively.

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On page 1, line 2 of the title, after "19.255.010" strike "and 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.