

ASSEMBLY, No. 2469

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:
Assemblywoman ANNETTE QUIJANO
District 20 (Union)

SYNOPSIS

Prohibits cloud computing service providers from disclosing data collected from public, private, or charter schools.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning cloud computing service provider contracts
2 with public, private, or charter schools and supplementing Title
3 18A of the New Jersey Statutes.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. As used in P.L. , c. (C.) (pending before the
9 Legislature as this bill):

10 "Charter school" means a school established pursuant to
11 P.L.1995, c.426 (C.18A:36A-1 et seq.).

12 "Cloud computing service" means a service that enables on-
13 demand self-service network access to a shared pool of configurable
14 computer resources to provide a school's student, teacher, or staff
15 member account-based productivity applications such as electronic
16 mail, document storage, and document editing, which can be rapidly
17 provisioned and released with minimal management effort or cloud
18 computing service provider interaction.

19 "Cloud computing service provider" means an entity, other than
20 an educational institution, that operates a cloud computing service.

21 "Educational record" means an official record, file, or data, in
22 any medium or format, directly related to a student as provided by a
23 student in the course of the student's use of the cloud computing
24 service, or provided and maintained by the school, including, but
25 not limited to, records encompassing all the material kept in the
26 student's cumulative folder, such as general identifying data,
27 electronic mail addresses, records of attendance, records of
28 academic work, records of achievement, results of evaluative tests,
29 health data, disciplinary status, test protocols, and individualized
30 education programs.

31 "Private school" shall have the same meaning as provided in
32 N.J.S.18A:1-1.

33 "Process" or "processing" means to use, access, manipulate,
34 scan, modify, transform, disclose, store, transmit, transfer, retain,
35 aggregate, or dispose of educational records.

36 "Public school" shall have the same meaning as provided in
37 N.J.S.18A:1-1.

38 "School" means a charter, private, or public school.

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40 2. a. A cloud computing service provider to a school in this
41 State shall not disclose an educational record collected or
42 maintained by the cloud computing service provider to any person
43 other than a student, teacher, or staff member of the school. A
44 cloud computing service provider shall process or monitor an
45 educational record solely to provide the cloud computing service to
46 the school and to maintain the integrity of the cloud computing
47 service.

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b. A cloud computing service provider to a school shall certify in writing to the school that it shall comply with the terms and conditions set forth in this section.

3. A cloud computing service provider who discloses or willfully permits the disclosure of information contained in an educational record in violation of section 2 of P.L. 1999, c. 274 (C.2A:58-10 et seq.) (pending before the Legislature as this bill), or any rule or regulation adopted pursuant thereto, shall be subject to a civil penalty of not more than \$5,000 for a first offense and not more than \$10,000 for any subsequent offense. Each disclosure or willful permission of a disclosure of an educational record of an individual student shall constitute a separate and distinct offense. The penalty shall be collected and enforced in a civil action in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999" pursuant to this section.

4. The Commissioner of the Department of Education shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to effectuate the purposes of P.L. , c. (C.) (pending before the Legislature as this bill).

5. This act shall take effect immediately, but shall remain inoperative for 180 days following the date of enactment.

STATEMENT

This bill prohibits cloud computing service providers from disclosing an educational record collected or maintained by the cloud computing service provider to any person other than a student, teacher, or staff member of the school. A cloud computing service is to process or monitor educational records solely to provide the cloud computing service to the public, private, or charter school, and to maintain the integrity of the cloud computing service.

A cloud computing service provider to a school is to certify in writing to the school that it is to comply with the terms and conditions set forth in the bill.

A violator shall be subject to a civil penalty of not more than \$5,000 for a first offense and not more than \$10,000 for any subsequent offense. The Superior Court is to have jurisdiction to enforce the provisions of the bill.