

SENATE No. 295

The Commonwealth of Massachusetts

PRESENTED BY:

Donald F. Humason, Jr., (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act accounting for technological privacy and safety in schools with local and state committees.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Kirstin Beatty

SENATE No. 295

By Mr. Humason (by request), a petition (accompanied by bill, Senate, No. 295) of Kirstin Beatty for legislation to account for technological privacy and safety in schools with local and state committees. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act accounting for technological privacy and safety in schools with local and state committees.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 71 of the General Laws, as appearing in the 2016 Official Edition,
2 is hereby amended by adding, after Section 93, the following section:-

3 SECTION 93A. DEVELOPMENT OF TECHNOLOGY PRIVACY AND SAFETY
4 MEASURES

5 (a) As used in this section, the following words shall have the following meanings:

6 “Confidential data” is data collected on students or staff and which includes:

7 (1) standard identifying information:

8 i. names of staff and students

9 ii. dates of birth

10 iii. addresses

11 iv. grades

12 v. medical information

13 vi. exam results

14 vii. staff development reviews

15 viii. assessments

16 ix. other personal identifying information

17 (2) identifying data such as location-tracking, photographs, and biometric data, which
18 includes unique biological identifiers such as voice audio or fingerprints

19 (3) personal writings or other personal work such as art

20 (4) political views

21 (5) socioeconomic data

22 (6) disciplinary data

23 (7) similar data or information on other individuals that are not students or staff, but may
24 be referenced in or extracted from student and staff data.

25 (8) observed and inferred data from the data provided

26 “Granular opt-out processes for different uses of data” is providing separate options to
27 refuse different types of data sharing. Considerations include but are not limited to placement in
28 a yearbook or directory, using cloud services, or using school-issued devices or personal devices.

29 “Opt-out alternatives for technology” is an opt-out of using technology with a
30 comparable or alternative non-technological assignment.

31 “Students and staff” includes all students in pre-K through 12th grade, including students
32 in home schooling, as well as preK-12th grade staff and teachers, including tutors and extra-
33 curricular leaders. Tutors or other arranged staff, including legal guardians or volunteers, that
34 provide extra-curricular activities or other educational learning, are also included.

35 “Scope and sequence” refers to a document providing an overview of the scope, or depth
36 and breadth, of content to be taught at a specific grade level and the sequence, or order in which
37 content should be taught throughout the year.

38 (b) Each public school committee in conjunction with the superintendent or the board of
39 trustees of a charter school shall also provide for a scope and sequence for a Safer Technology &
40 Digital Citizenship Curriculum, hereafter called STDC, which shall include age-appropriate
41 practices in healthier, safer and more environmentally-friendly and responsible technology use,
42 behavior, and communication. The STDC shall include, as age-appropriate, education in
43 individual and societal risks from technology, including but not limited to risks stemming from
44 privacy loss, automation, digital addiction, loss of human contact, environmental costs, reduced
45 health, programming mistakes, and aptness as weapons, shaping tools, and propaganda.

46 The STDC shall be flexible to allow for integration of concepts across disciplines, current
47 events, and to respond to rapidly evolving technology.

48 (c) Each public school committee in conjunction with the superintendent or the board of
49 trustees of a charter school shall provide for a Technology

50 Safety Policy, hereafter called TSP, for safer use of technology. Any such TSP shall:

51 (1) Require the notification of the parents, legal guardians, students, and additional
52 stakeholders of the policy and any changes to it every two years at the beginning of the academic
53 year with opportunity for public input and recommendations;

54 (2) Be evaluated at least every two years by the school committee in conjunction with
55 the superintendent or board of trustees of a charter school to ensure that the policy conforms to
56 current law, internet practices and technical requirements of teachers, provided that the results of
57 the evaluation are made subject to a public hearing to accept public comment and input;

58 (3) Require employment of a STDC pursuant to subsection (b) of this section;

59 (4) Insure technology use is educationally-focused;

60 (5) Provide for accessibility through universal design;

61 (6) Provide a procedure for legal guardians and students to register complaints with
62 respect to TSP failures;

63 (7) Establish and make publicly available the specific measures to protect privacy, safety
64 and health pursuant to subsection (h) of this section, and make publicly available the individuals
65 responsible for making these decisions; and

66 (8) Restrict access to online content that contains obscenity, pornography, or material
67 harmful to minors including the following measures:

68 i. Make publicly available specific measures to block, filter, or alter websites, the
69 basis for doing so, and the individuals who are responsible for making those decisions;

70 ii. Provide a procedure for teachers to override a website that has been blocked,
71 provided that the website does not contain obscenity, pornography, or material harmful to
72 minors;

73 iii. Establish criteria for the overruling of a request by a teacher to allow access to a
74 website that is blocked by the internet protection measures, a procedure to provide the requesting
75 party with an explanation of the reasons for denial of a request, and a procedure to record and
76 submit any requests and overrulings to the school committee every two years; and

77 (d) Each district or charter school shall establish a Technology Safety Council with
78 relevant expertise or abilities to develop, examine, and review the STDC and TSP, and shall
79 publicly invite and not exclude parents, legal guardians, and local public school teachers as
80 members, besides invitations to advocates or experts in safer technology. Technology Safety
81 Council members may not have served or serve as a product defense consultant or expert for the
82 industry, and members must submit conflict of interest statements. Technology Safety Council
83 members and conflict of interest statements shall available to the public at no cost. The formation
84 of the Technology Safety Council shall be publicly announced and posted within 45 days and
85 formed within 70 days of enactment of this section. The Technology Safety Council shall have 9
86 months to provide an initial draft. Upon initial completion, the STDC shall be provided to the
87 local public school teachers and the local community for a 45-day review period to allow for
88 criticism and ensuing revision for a period of four months.

89 (e) The state Board of Education shall provide a template for the TSP and STDC and
90 may provide additional materials. The Board of Education shall establish a Safer Tech Council to
91 prepare these models, and provide needed support and coordination of meetings, whether by
92 secure conference call, online exchange, or in person.

93 Safer Tech Council members shall be provided with reasonable costs for travel or
94 conference and research needs. An hourly wage or stipend for work shall be provided based on
95 need to prevent exclusion of lower-income or financially struggling members.

96 (f) Massachusetts residents and non-governmental organizations shall have the right to
97 make nominations to the Safer Tech Council of members and of relevant concerning issues.
98 Relevant experts or advocates may also self-nominate. Following enactment of this section, there
99 shall be a public announcement of nominations and a 25-day period for nominations.
100 Nominations shall be contacted immediately or regularly and as soon as possible to determine
101 interest in the position and any conflicts of interest. Interested nominees shall be listed for the
102 public as soon as possible and at minimum within the following 25 days, and then remain listed
103 and accessible for a period of 35 days, to allow for Massachusetts residents and non-
104 governmental organizations to express opposition to member nominations. Opposition to
105 member nominations shall be listed in the public record. Nominations of concerning issues shall
106 also be listed, along with relevant interests, background, abilities, and any conflicts of interest of
107 member nominees.

108 The Safer Tech Council shall include public and retired public school teachers, public
109 school legal guardians, and public school administrators. Other members of the Safer Tech
110 Council shall be privacy and safer technology advocates. Technology experts, scientists, and

111 doctors with relevant, current expertise regarding STDC and TSP concerns shall assist.
112 Excepting that technology experts may be excused from the influence of employment, all Safer
113 Tech Council members shall be free of undue and unusual financial or industry influence from
114 employment, investments, or business clients served. Safer Tech Council members may not have
115 served as a product defense consultant or expert for the industry.

116 The Board of Education shall have 35 days following submission of opposition
117 statements to select a final list of Safer Tech Council members from nominees, providing for
118 relevant expertise to address the concerning issues provided in relation to the STDC and TSP.
119 The Board of Education shall simultaneously prepare a public document, signed by all board
120 members and noting objections by any member, clearly explaining reasoning for any decision to
121 fail to provide qualified experts or advocates for a relevant concern or to ignore opposition to
122 certain candidates when based on concerns that the nominee is unduly influenced by financial
123 interests, industry, or, in the case of experts, lacks appropriate expertise and credentials, and in
124 the specific case of advocates, lacks appropriate history. This document may be used by any
125 Massachusetts resident to engage in an expedited suit for a summary judgment regarding
126 removal or addition of members to the Safer Tech Council, and may be used similarly by the
127 attorney general, provided that the multiple suits shall be combined. The expedited suit shall
128 allow for the addition of a member or members to the Safer Tech Council based upon failure to
129 address a concerning issue with knowledgeable and appropriate members or serve to remove and
130 potentially replace a member based upon failure to provide advocates with appropriate
131 experience; failure to prevent undue financial or industry influence; or failure to provide experts
132 with appropriate expertise or credentials.

133 The inability to continue serving or retirement of any Safer Tech Council member shall
134 initiate the same selection process following a 45-day grace period.

135 (g) The Board of Education and Safer Tech Council shall heed the advice of privacy and
136 safer technology advocates in drafting the model TSP and STDC materials in order to best
137 protect students, adopting caution and avoiding risk. The process and publication of relevant TSP
138 and STDC materials shall be within one year from appointment to the Safer Tech Council, with
139 drafts published at 3 and 6 and 9 months for public comment. The STDC and TSP model
140 materials, including the scope & sequence, shall be updated every two years or sooner to reflect
141 the evolution of technology, society, and the continuing advice of the legal guardians, students,
142 parents, teachers, and school administration, as well as privacy and safer technology advocates.
143 Updates shall require only one draft and comment period before publication.

144 (h) Each school committee in conjunction with the superintendent or board of trustees of
145 a charter school shall support the protection of privacy, health, and safety by establishing the
146 following, allowing for exceptions when not applicable:

147 (i) Granular opt-out processes for different uses of data;

148 (ii) Identification and labeling of processes and equipment which may risk confidentiality
149 or safety;

150 (iii) Respectable informed consent and opt-out procedures;

151 (iv) Shredding or secure erasure of unneeded data;

152 (v) Access to clearly described vendor data collection policies and data security to
153 relevant students, legal guardians, and staff;

- 154 (vi) Preferred technology vendors, software, and equipment for privacy protections,
155 health, and safety;
- 156 (vii) Staff training and student education on the confidentiality, privacy, and
157 technological health and safety concerns;
- 158 (viii) Policies on digital devices to protect confidentiality, health, and safety;
- 159 (ix) Policies and procedures on screen time limits;
- 160 (x) Timelines to move towards hard-wiring equipment, isolating systems, providing safer
161 technology, reducing technological reliance, and other more expensive or time-consuming
162 procedures for security and safety;
- 163 (xi) Evolving goals and established processes for reducing staff and student reliance on
164 and use of technology that threatens confidentiality, health, or safety; and
- 165 (xii) Yearly benchmarks set by the district and schools to move towards goals.