

# ASSEMBLY, No. 3147

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MAY 15, 2014

**Sponsored by:**

**Assemblyman TROY SINGLETON**

**District 7 (Burlington)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Co-Sponsored by:**

**Assemblyman Diegnan**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/27/2014)**

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.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
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.  
39

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.

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

4  
5 3. A cloud computing service provider who discloses or  
6 willfully permits the disclosure of information contained in an  
7 educational record in violation of section 2 of P.L. , c. (C. )  
8 (pending before the Legislature as this bill), or any rule or  
9 regulation adopted pursuant thereto, shall be subject to a civil  
10 penalty of not more than \$5,000 for a first offense and not more  
11 than \$10,000 for any subsequent offense. Each disclosure or willful  
12 permission of a disclosure of an educational record of an individual  
13 student shall constitute a separate and distinct offense. The penalty  
14 shall be collected and enforced in a civil action in a summary  
15 proceeding pursuant to the "Penalty Enforcement Law of 1999,"  
16 P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall  
17 have jurisdiction to enforce the provisions of the "Penalty  
18 Enforcement Law of 1999" pursuant to this section.

19  
20 4. The Commissioner of the Department of Education shall  
21 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,  
22 c.410 (C.52:14B-1 et seq.), rules and regulations necessary to  
23 effectuate the purposes of P.L. , c. (C. ) (pending before the  
24 Legislature as this bill).

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

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30 STATEMENT

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

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

43 A violator shall be subject to a civil penalty of not more than  
44 \$5,000 for a first offense and not more than \$10,000 for any  
45 subsequent offense. The Superior Court is to have jurisdiction to  
46 enforce the provisions of the bill.