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SENATE BILL NO. 264
Offered January 10, 2024
Prefiled January 9, 2024
A BILL to amend the Code of Virginia by adding a section numbered 22.1-23.4, relating to Department of Education; school boards; student online activity; data collection, monitoring, and restrictions.

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Patron—Craig

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Referred to Committee on Education and Health

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Be it enacted by the General Assembly of Virginia:
1. That the Code of Virginia is amended by adding a section numbered 22.1-23.4 as follows:
§ 22.1-23.4. Student online activity; data collection, monitoring, and restrictions.
A. As used in this section, "collected" means gathered and maintained, regardless of method or format, for the purpose of review.
B. The Department shall establish reporting expectations and each school board shall adhere to the following data collection requirements:
1. Disclose to the parents (i) what student online activity is tracked and monitored when using school or personal devices on school property; (ii) what data on student online activity is being collected when using school or personal devices; (iii) what student online activity or data would create an alert and how the alert will be acted on if identified, what action will be taken based on the alert, who will be contacted as a result of the alert, and with whom the alert data will be shared; and (iv) what student online activity or data on such activity is added to a student's permanent record;
2. Obtain consent from parents to monitor or track student activity or collect data on such activity, or both, when using school or personal devices on school property;
3. Provide a regularly appearing notification on monitored school devices that student online activity is being tracked and data on such activity is collected and a notification each time a student's online activity is tracked, monitored, or collected when using a personal device on school property;
4. Provide the parents of each enrolled student with the ability to access any data on the online activity of such student that is collected by the school board or any school board employee;
5. Notify the parents of each enrolled student after an alert is created or action is taken based on the online activity of such student or the data on such activity but before the student is notified of such alert or action, unless such a parental notification creates a significant concern for the safety of such student;
6. Except as otherwise provided in subdivision 7, delete all data on student online activity within 90 days of its collection;
7. Prohibit the inclusion of data on student online activity in a student's permanent record except in the most severe cases, as defined, set forth, and made publicly available by the Department in a guidance document, in which case such data may be preserved for more than 90 days after its collection;
8. Set the most restrictive age-appropriate limits on student access to social media platforms, YouTube and other video platforms, and search engines and other search features on school devices; and
9. Permit the parents of each enrolled student to waive such limits for their child by submitting a written request to the school division.
C. The Department shall design and distribute, to each school board, a template that each such school board shall use to:
1. Make the disclosures to parents that are required pursuant to clause (i) of subdivision B 1 and also disclose (i) at what times of the day student online activity is tracked or monitored or data on such activity is collected, (ii) who receives such data, and (iii) when and with whom such data is shared; and
2. Permit the parents of each enrolled student to opt their child out of any student online activity tracking or monitoring or the collection of any data on such activity.