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(Original Signature of Member)

119TH CONGRESS
2D SESSION

# H. R. _____

To direct the Director of the National Institute of Standards and Technology, in consultation with the Secretary of Education, to develop recommendations of best practices for educational agencies entering into contracts with education technology companies, to ensure the protection of personally identifiable information of students, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Ms. BALINT introduced the following bill; which was referred to the Committee on _____

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# A BILL

To direct the Director of the National Institute of Standards and Technology, in consultation with the Secretary of Education, to develop recommendations of best practices for educational agencies entering into contracts with education technology companies, to ensure the protection of personally identifiable information of students, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Education Technology Standards Act of 2026''.

**SEC. 2. BEST PRACTICES RELATED TO CONTRACTS BETWEEN EDUCATION TECHNOLOGY COMPANIES AND EDUCATIONAL AGENCIES.**

(a) DEVELOPMENT OF BEST PRACTICES.—Not later than 120 days after the date of enactment of this Act and every 5 years thereafter, the Director of the National Institute of Standards and Technology, in collaboration with the Secretary of Education (or a designee of the Secretary who is an employee of the Department of Education and who has expertise and experience in education technology), shall develop recommendations for best practices for contracts between education technology companies and educational agencies and guidelines for educational agencies to develop contracts and implement such best practices, including model contracts.

(b) RECOMMENDATIONS.—The recommendations developed in accordance with subsection (a) shall include—

(1) best practices regarding—

(A) the use of evidence-based studies on the intended use and educational benefits of any technology product or service to be provided by an education technology company to an educational agency;

(B) measures to be taken by an education technology company to identify and mitigate harm to users, including privacy and security risks and design features known to increase risks of addiction or to disrupt cognitive development;

(C) education technology company practices relating to user data, including the collection, storing (including storage of student data and deletion practices, annually and over the course of a student's academic career), protection, sharing, and selling of user data;

(D) measures to be taken by an education technology company to ensure—

(i) the security of user data, including—

(I) methods of encryption; and

(II) regular reporting to an educational agency of the list of individuals and entities that have access to the personally identifiable information of students of such agency through such company; and

(ii) compliance with Federal, State, and local privacy laws, including the Chil-

dren's Online Privacy Protection Act of 1998 (15 U.S.C. 6501 et seq.) and section 444 of the General Education Provisions Act (commonly known as the ''Family Educational Rights and Privacy Act of 1974'') (20 U.S.C. 1232g);

(E) with respect to an education technology company, and a technology product or service of such a company, that generates, provides, or improves educational content to students—

(i) annual reporting by the company to an educational agency about the curriculum covered by any such product or service, including alignment of such curriculum with Federal and State standards; and

(ii) processes for teachers to report factual inaccuracies to such company, and processes for such company to identify and correct factual inaccuracies;

(F) limitations and prohibitions with respect to in-app advertising and marketing used by an education technology company or included in a technology product or service;

(G) protocols for responding to a data breach, including policies regarding contract termination;

(H) procedures for an educational agency, including teachers, staff, and administrators of such agency, to report to the education technology company any issues or errors with implementing a technology product or service;

(I) compliance by the education technology company with any relevant obligations under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

(J) reporting by an education technology company to an educational agency with respect to policy or process changes that relate to the handling of user data under such a contract; and

(2) guidelines from the Secretary of Education for educational agencies with respect to the development of contracts with education technology companies and the implementation of the best practices de-

scribed in paragraph (1), including model contracts developed based on such best practices.

(c) RECOMMENDATIONS PUBLISHED.—

(1) BEST PRACTICES.—Not later than 6 months after the date of the enactment of this Act, recommendations developed in accordance with subsection (a) and described in subsection (b)(1) shall be made publicly available to education technology companies and educational agencies on the website of the National Institute of Standards and Technology.

(2) GUIDELINES.—Not later than 6 months after the date of the enactment of this Act, recommendations developed in accordance with subsection (a) and described in subsection (b)(2), including model contracts, shall be made publicly available to educational agencies on the website of the Department of Education.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act and every 5 years thereafter, the Director of the National Institute of Standards and Technology, in consultation with the Secretary of Education, shall submit to the Committee on Science, Space, and Technology, the Committee on Education and Workforce, and the Committee on the Judiciary of the

House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Health, Education, Labor, and Pensions, and the Committee on the Judiciary of the Senate a report that includes findings and recommendations for legislative or regulatory action necessary to ensure that States, State educational agencies, and local educational agencies may adopt and implement the recommendations for best practices developed in accordance with subsection (a).

**SEC. 3. DUTY OF CARE.**

(a) IN GENERAL.—An education technology company that provides a technology product or service to an educational agency, which product or service maintains personally identifiable information of students at such agency, shall take such reasonable steps as may be necessary to ensure that such information is not made available to any person who is not authorized to access such information.

(b) CIVIL PENALTY.—The Attorney General may assess a civil penalty against an education technology company that violates subsection (a) in an amount that equals $5000 for each student with respect to whom personally identifiable information is made available as a result of such violation.

**SEC. 4. GRANTS TO STUDY THE EDUCATIONAL OUTCOMES OF SPECIFIC TECHNOLOGY PRODUCTS AND SERVICES.**

(a) GRANT AUTHORITY.—Not later than one year after the date of enactment of this Act, the Director of the Institute of Education Sciences shall award grants to institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) to conduct studies and report on the effects of technology products and services on educational outcomes.

(b) STUDY REQUIREMENTS.—A study conducted with a grant awarded under this section shall—

(1) evaluate the use by educational agencies of a single technology product or service (or a group of substantially similar technology products or services) to determine the effect such product or service has on the educational outcomes of students, compared to the educational outcomes of students at educational agencies that do not use such product or service; and

(2) be designed to meet the rigorous standards of the What Works Clearinghouse.

(c) REPORTS.—Each institution of higher education that conducts a study with a grant awarded under this section shall report the results of such study to the What Works Clearinghouse of the Institute of Education

Sciences. The Director of the Institute of Education Sciences shall ensure that the What Works Clearinghouse—

(1) reviews each such study and report to determine whether the study meets the rigorous standards of the Clearinghouse;

(2) summarize the findings of each such study that is found to meet such standards; and

(3) publish an effectiveness rating for each technology product or service that was the subject of a study that is found to meet such standards.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section $3,000,000 for fiscal year 2027.

**SEC. 5. DEFINITIONS.**

In this Act:

(1) CONTRACT.—The term ''contract'' means any contract between an education technology company and an educational agency with respect to the provision of a technology product or service by the company.

(2) EDUCATIONAL AGENCY.—

(A) DEFINITION.—The term ''educational agency'' means a State, State educational agen-

cy, local educational agency, elementary school, or secondary school.

(B) ESEA TERMS.—The terms ''elementary school'', ''local educational agency'', ''secondary school'', ''State'', and ''State educational agency'' have the meanings given such terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) EDUCATION TECHNOLOGY COMPANY.—The term ''education technology company'' means an entity (other than a government entity) that offers or provides a technology product or service to an educational agency.

(4) TECHNOLOGY PRODUCT OR SERVICE.—The term ''technology product or service'' means a product or service, including an application, platform, or software, that—

(A) is designed to assist elementary school or secondary school students, teachers, staff, or administrators through—

(i) the generation, provision, or improvement of educational strategies, tools, or content (or accessibility to such tools or content);

(ii) the performance of administrative activities; or

(iii) the organization, accessibility, or maintenance of student data; and

(B) is accessed directly by elementary or secondary school students or accesses, uses, collects, or maintains personally identifiable information of such students.