

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

866W0638

## HOUSE BILL NO. 1184

Introduced by: Representatives DiSanto, Campbell, Greenfield (Lana), Haugaard, Latterell, May, and Stalzer and Senators Greenfield (Brock), Haggard (Jenna), Jensen (Phil), and Olson

1 FOR AN ACT ENTITLED, An Act to regulate the use of digital-learning platforms in schools  
2 accredited by the state.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. For the purposes of this Act, a digital-learning platform is an interactive digital  
5 platform that collects and records any personally identifiable student information, whether it is  
6 maintained by a school or by a third-party provider, and including any video-gaming platform.

7 Section 2. Before implementing any digital-learning platform, any school accredited by the  
8 state shall provide to any student who is eighteen years of age or older, or to the parent or  
9 guardian of any minor student, a formal written explanation of the goals and capabilities of the  
10 platform, including of any software, whether the software is loaded onto the platform or hosted  
11 externally by a third party. The formal written explanation shall include an understandable  
12 description of:

- 13 (1) How the platform works and the platform's principal purpose or purposes;  
14 (2) The title and business address of the school official who is responsible for the



1 platform, and the name and business address of any contractor or outside party  
2 maintaining the platform for or on behalf of the school;

3 (3) The information the software is designed to collect from any student or capture and  
4 record about any student, including any data matches with other personally  
5 identifiable student information;

6 (4) Every element of data that the platform or software will collect or record about any  
7 student, including personal psychological characteristics; noncognitive attributes or  
8 skills such as collaboration, resilience, and perseverance; and physiological  
9 measurements;

10 (5) The purpose of collecting and recording the data;

11 (6) Every contemplated use or disclosure of the data, the categories of recipients, and the  
12 purpose of any use or disclosure;

13 (7) A full explanation of the privacy policy maintained by the digital-learning provider;  
14 and

15 (8) The policies and practices of the school regarding storage, retrievability, access  
16 controls, retention, and disposal of the records collected and recorded by the  
17 platform.

18 Section 3. No digital-learning platform may be used in any school accredited by the state  
19 unless the platform includes a portal or other mechanism allowing parents access to the platform  
20 and to all the content available to the students using the platform. Any data of any type collected  
21 on a student through a student's use of a digital-learning platform shall be destroyed at the end  
22 of the course for which the platform is used.

23 Section 4. Unless a school accredited by the state certifies that the platform is essential to  
24 the school's educational mission and provides an explanation for the basis of that certification,

- 1 a student who has reached the age of eighteen, or the parent or guardian of a minor student, may
- 2 opt out of the use of any digital-learning platform.