

§952. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2015, c. 256, §1 (NEW).]

1. Aggregate student data. "Aggregate student data" means data that is not personally identifiable and that is collected or reported at the group, cohort or institutional level.

[PL 2015, c. 256, §1 (NEW).]

2. Eligible student. "Eligible student" means a student who has reached 18 years of age or who is attending a postsecondary educational institution.

[PL 2015, c. 256, §1 (NEW).]

3. Kindergarten to grade 12 school purposes. "Kindergarten to grade 12 school purposes" means purposes that take place at the direction of a school administrative unit, a school that provides instruction to any grades from kindergarten to grade 12 or a teacher at such a school or purposes that aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities, preparation for postsecondary education or employment opportunities and collaboration between students, school personnel or parents, or that are for the use and benefit of the school.

[PL 2015, c. 256, §1 (NEW).]

4. Operator. "Operator" means any entity other than the department, school administrative unit or school to the extent that the entity:

A. Operates an Internet website, online service, online application or mobile application with actual knowledge that the website, service or application is used for kindergarten to grade 12 school purposes and was designed and marketed for kindergarten to grade 12 school purposes to the extent that the operator is operating in that capacity; and [PL 2015, c. 256, §1 (NEW).]

B. Collects, maintains or uses student personally identifiable information in a digital or electronic format. [PL 2015, c. 256, §1 (NEW).]

[PL 2015, c. 256, §1 (NEW).]

5. State-assigned student identifier. "State-assigned student identifier" means the unique student identifier assigned by the State to each student, which may not be and may not include the student's social security number in whole or in part.

[PL 2015, c. 256, §1 (NEW).]

6. Student data. "Student data" means information that is collected and maintained at the individual student level in this State, including, but not limited to:

A. Data descriptive of a student in any medium or format, including, but not limited to:

(1) The student's first and last names;

(2) The names of the student's parent and other family members;

(3) The physical address, e-mail address, phone number and any other information that allows contact with the student or the student's family;

(4) A student's personal identifier, such as the state-assigned student identifier, when used for identification purposes;

(5) Other indirect identifiers, such as the student's date of birth, place of birth and mother's maiden name;

(6) Results of assessments administered by the State, school administrative unit, school or teacher, including participation information;

- (7) Course transcript information, including, but not limited to, courses taken and completed, course grades and grade point average, credits earned and degree, diploma, credential attainment or other school exit information;
- (8) Attendance and mobility information between and within school administrative units within the State;
- (9) The student's gender, race and ethnicity;
- (10) Educational program participation information required by state or federal law;
- (11) The student's disability status;
- (12) The student's socioeconomic information;
- (13) The student's food purchases; and
- (14) The student's e-mails, text messages, documents, search activity, photos, voice recordings and geolocation information; and [PL 2017, c. 288, Pt. A, §27 (AMD).]

B. Information that:

- (1) Is created by a student or the student's parent or provided to an employee or agent of the school, school administrative unit, the department or an operator in the course of the student's or parent's use of the operator's website, service or application for kindergarten to grade 12 school purposes;
- (2) Is created or provided by an employee or agent of the school or school administrative unit, including information provided to an operator in the course of the employee's or agent's use of the operator's website, service or application for kindergarten to grade 12 school purposes; or
- (3) Is gathered by an operator through the operation of an operator's website, service or application for kindergarten to grade 12 school purposes. [PL 2015, c. 256, §1 (NEW).]

[PL 2017, c. 288, Pt. A, §27 (AMD).]

7. Student personally identifiable information. "Student personally identifiable information" means student data that, alone or in combination, is linked to a specific student and would allow a reasonable person who does not have knowledge of the relevant circumstances to identify the student. [PL 2015, c. 256, §1 (NEW).]

8. Targeted advertising. "Targeted advertising" means advertisements presented to a student when the advertisement is selected based on information obtained or inferred from that student's online behavior, usage of applications or student data. "Targeted advertising" includes advertising to a student at an online location based upon a single search query without collection and retention of a student's online activities over time. "Targeted advertising" includes contextual targeted advertising that is based upon factors, including, but not limited to, the central theme of an Internet website, the student's recent browsing history, the student's language and the student's location. "Targeted advertising" does not include advertising to a student at an online location based upon that student's current visit to that location.

[PL 2015, c. 256, §1 (NEW).]

SECTION HISTORY

PL 2015, c. 256, §1 (NEW). PL 2017, c. 288, Pt. A, §27 (AMD).

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