

117TH CONGRESS
1ST SESSION

H. R. 5630

To amend the Children’s Online Privacy Protection Act of 1998 to provide that a school may not act as the agent of a parent of a child for purposes of providing verifiable parental consent to the collection, use, or disclosure of personal information of the child, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 2021

Mrs. MILLER of Illinois (for herself, Mr. GOOD of Virginia, Mrs. BOEBERT, Mr. GROTHMAN, Mr. WEBER of Texas, Mr. MULLIN, Mr. BABIN, Mr. ROSENDALE, Mr. JOHNSON of Louisiana, Mr. OWENS, Mr. BISHOP of North Carolina, Mr. STEUBE, Mr. BUDD, Ms. FOXX, Mr. ROY, Mr. PFLUGER, Mr. ALLEN, Mrs. GREENE of Georgia, Mr. GOHMERT, Mr. NORMAN, Mr. DAVIDSON, and Mr. DONALDS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Children’s Online Privacy Protection Act of 1998 to provide that a school may not act as the agent of a parent of a child for purposes of providing verifiable parental consent to the collection, use, or disclosure of personal information of the child, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safeguarding Chil-
5 dren’s Privacy in Schools Act”.

1 **SEC. 2. PROTECTION OF RIGHTS OF PARENTS REGARDING**
2 **PERSONAL INFORMATION OF STUDENTS.**

3 The Children’s Online Privacy Protection Act of 1998
4 (15 U.S.C. 6501 et seq.) is amended—

5 (1) in section 1302, by amending paragraph (9)
6 to read as follows:

7 “(9) VERIFIABLE PARENTAL CONSENT.—The
8 term ‘verifiable parental consent’, with respect to the
9 collection, use, and disclosure (as applicable) by an
10 operator of the personal information of a child—

11 “(A) means consent by a parent of the
12 child to the collection, use, and disclosure (and
13 to any subsequent use of the information) that
14 is obtained by the operator—

15 “(i) before the information is collected
16 from the child; and

17 “(ii) after notice to the parent of the
18 operator’s personal information collection,
19 use, and disclosure practices; and

20 “(B) may include consent to future collec-
21 tion, use, and disclosure described in the no-
22 tice.”; and

23 (2) in section 1303—

24 (A) in subsection (b)(2)(C)—

25 (i) in clause (i), by striking “; or” and
26 inserting a semicolon;

1 (ii) by striking clause (ii); and
 2 (iii) by striking “that request—” and
 3 all that follows through “if, before” and in-
 4 serting “that request, if, before”; and
 5 (B) by adding at the end the following:

6 “(e) PROHIBITION ON SCHOOL OR LOCAL EDU-
 7 CATIONAL AGENCY ACTING AS AGENT OF PARENT.—

8 “(1) IN GENERAL.—An elementary school, sec-
 9 ondary school, or local educational agency, or an em-
 10 ployee or other agent of such school or agency, may
 11 not act as the agent of a parent of a child enrolled
 12 in such school (or in a school served by such agency,
 13 as the case may be) for purposes of providing
 14 verifiable parental consent under the regulations
 15 prescribed under subsection (b), making any request
 16 under such regulations, or receiving any notice or
 17 other information required to be provided to a par-
 18 ent of the child under such regulations.

19 “(2) DEFINITIONS.—In this subsection, the
 20 terms ‘elementary school’, ‘secondary school’, and
 21 ‘local educational agency’ have the meanings given
 22 such terms in section 8101 of the Elementary and
 23 Secondary Education Act of 1965 (20 U.S.C.
 24 7801).”.

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