SENATE COMMITTEE ON EDUCATION
Senator Sasha Renée Pérez, Chair
2025 - 2026 Regular

Bill No:	AB 1159	**Hearing Date:**	June 10, 2026
Author:	Addis		
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Urgency:	No	**Fiscal:**	Yes
Consultant:	Olgalilia Ramirez		

Subject: Student personal information.

NOTE: This bill has been referred to the Committees on Education and *Privacy, Digital Technologies, and Consumer Protection*. A "do pass" motion should include referral to the Committee on *Privacy, Digital Technologies, and Consumer Protection*.

SUMMARY

This bill establishes, commencing July 1, 2027, the Higher Education Student Information Protection Act governing the collection, use, disclosure, retention, and protection of postsecondary student data by educational technology operators. It further modifies the K-12 Pupil Online Personal Information Protection Act and the Early Learning Personal Information Protection Act to regulate the use of pupil data in artificial intelligence systems, apply their respective provisions to entities acting on behalf of an operator, and make other changes related to protecting pupil information. It further creates a private right of action for specified violations of pupil and student privacy protection.

BACKGROUND

Existing law:

1) Establishes the Children's Online Privacy Protection Act of 1998, which imposes certain requirements on operators of websites or online services directed to children under 13 years of age, and on operators of other websites or online services that have actual knowledge that they are collecting personal information online from a child under 13 years of age. (15 United States Code (USC) § 6501; 16 Code of Federal Regulations (CFR) Part 312)

2) Establishes the Family Educational Rights and Privacy Act (FERPA), which protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. (20 USC § 1232g; 34 CFR Part 99)

3) Provides, pursuant to the California Constitution, that all people are by nature free and independent and have inalienable rights. Among these is the fundamental right to privacy. (California Constitution, Article I, § 1)

4) Establishes the California Consumer Privacy Act (CCPA), which grants consumers certain rights with regard to their personal information, including enhanced notice, access, and disclosure; the right to deletion; the right to restrict the sale of information; and protection from discrimination for exercising these rights. It places attendant obligations on businesses to respect those rights. (Civil Code (CIV) § 1798.100 et seq.)

5) Defines "personal information" under the CCPA as information that identifies, relates to, describes, is reasonably capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. The CCPA provides a nonexclusive series of categories of information deemed to be personal information, including biometric information, geolocation data, and "sensitive personal information." (CIV § 1798.140(v)(1))

6) Establishes KOPIPA to restrict the use and disclosure of students' "covered information," which means personally identifiable information or materials, in any media or format that meets the definition. (Business and Professions Code (BPC) § 22584)

7) Prohibits, pursuant to KOPIPA, operators from knowingly engaging in targeted advertising, using information about students to create a profile about them except in furtherance of K-12 school purposes, selling students' information, or disclosing their information, except as provided. (BPC § 22584(b))

8) Requires an operator to delete a pupil's CCPA-excluded covered information under the operator's control if a parent, guardian, or adult pupil requests the deletion of the information if the pupil has not been enrolled in the school for 60 days or more. (BPC § 22584(d)(3))

9) Defines the following terms for purposes of KOPIPA:

    a) "Covered information" as personally identifiable information or materials, in any media or format that meets any of the following:

        i) It is created or provided by a pupil, or the pupil's parent or legal guardian, to an operator in the course of the pupil's, parents', or legal guardian's use of the operator's site, service, or application for the school's purposes.

        ii) It is created or provided by an employee or agent of the preschool, prekindergarten, school district, local educational agency, or county office of education to an operator.

        iii) It is gathered by an operator through the operation of a site, service, or application, as defined in number 7 above, and is descriptive of a pupil or otherwise identifies a pupil, including, but not limited to, information in the pupil's educational record or email, first and last name, home address, telephone number, email address, or other information that allows physical or online contact, discipline records, test results, special education data, juvenile

dependency records, grades, evaluations, criminal records, medical records, health records, social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings, or geolocation information. (BPC §§ 22584(i) & 22586(i))

b) "Operator" as the operator of a website, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for K-12 school purposes and was designed and marketed for K-12 school purposes.

c) "K-12 school purposes" are purposes that customarily take place at the direction of the K-12 school, teacher, or school district or aid in the administration of school activities, including, but not limited to, instruction in the classroom or at home, administrative activities, and collaboration between students, school personnel, or parents, or are for the use and benefit of the school. (BPC § 22584)

10) Establishes the ELPIPA, which extends the protection of KOPIPA to pupils in preschool and prekindergarten. (BPC § 22586)

11) Prohibits an operator of an Internet Web site, online service, online application, or mobile application, as specified, from marketing specified types of products or services to a minor and from knowingly using, disclosing, or compiling, or knowingly allowing a third party to use, disclose, or compile, the personal information of a minor for the purpose of marketing or advertising specified types of products or services. It also authorizes minor users to remove, or to request and obtain removal of, content or information publicly posted by the minor, subject to specified conditions and exceptions. (BPC § 22580)

12) Defines "artificial intelligence" as an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. (CIV § 3110(a))

13) Defines "generative artificial intelligence" as AI that can generate derived synthetic content, such as text, images, video, and audio, that emulates the structure and characteristics of the AI's training data. (CIV § 3110(c))

14) Defines "trains a generative artificial intelligence system or service" as including testing, validating, or fine-tuning by the developer of the AI system or service. (CIV § 3110(c))

ANALYSIS

This bill:

1) Expands the scope of KOPIPA to regulate the use of pupil data in AI systems by prohibiting operators from using covered information, including persistent unique identifiers, to train or develop AI systems unless the use is in furtherance of K–12 school purposes and for the use and benefit of the school and the teacher, pupil, or parent.

2) Expands the scope of ELPIPA to regulate the use of pupil data in AI systems by prohibiting operators from using covered information, including persistent unique identifiers, to train or develop AI systems unless the use is strictly in furtherance of preschool or prekindergarten purposes and for the use and benefit of the preschool or prekindergarten and the teacher, pupil, or parent.

3) Establishes, operative July 1, 2027, the Higher Education Student Information Protection Act to regulate the collection, use, disclosure, and protection of postsecondary education student data by educational technology operators, as defined. Specifically, it:

    a) Prohibits operators from knowingly engaging in targeted advertising based on student information, creating student profiles unrelated to higher education purposes, selling student information except in limited circumstances, making unauthorized disclosures of covered information, or using covered information to train or develop AI systems, as specified.

    b) Prohibits operators from collecting, using, retaining, or disclosing specified categories of sensitive student information, including information relating to reproductive or sexual health, immigration status, precise geolocation, and sexual orientation or gender identity, as specified.

    c) Specifies circumstances under which disclosures of covered information are not prohibited, including higher education purposes, research, legal compliance, security, and contracted services providers, subject to certain conditions, as specified.

    d) Requires operators to implement and maintain reasonable security procedures and data governance practices. Operators are to protect student information from unauthorized access or disclosure, comply with specified student and institutional requests to delete covered information, limit retention of covered information to the period reasonably necessary to fulfill its purposes, and maintain a written data retention policy that identifies retention and deletion timelines, as specified.

    e) Specifies various exemptions and permitted uses of student information including the use of deidentified or aggregated information for product improvement and research, adaptive learning and customized instruction, and disclosures otherwise authorized by law, as specified.

    f) Clarifies that the bill's provisions do not supersede specified federal student privacy and disability laws.

4) Creates a private right of action for specified violations of pupil and student privacy protections.

5) Expands the definition of "covered information" under KOPIPA and ELPIPA to include additional categories of information, including extracurricular activities, biometric or behavioral information, device identifiers, search activity, photographs, and voice recordings. The bill applies a similar definition under the Higher Education Student Information Act.

6) Expands the definition of "Operator" under KOPIPA and ELPIPA to include entities working on behalf of operators of websites, online services, applications, or online applications designed, marketed, and used for educational purposes, including providers of digital educational software and services. The bill applies a similar definition under the Higher Education Student Information Protection Act.

7) Adds the definition of various terms applicable to KOPIPA, ELPIPA, and the Higher Education Student Information Protection Act, including:

    a) "Deidentified information" to mean information that cannot reasonably identify, relate to, describe, be capable of being associated with, or be linked, directly or indirectly, to a particular individual or household if the operator that possesses the information does all of the following:

        i) Takes reasonable measures to ensure that the information cannot be associated with a particular individual or household.

        ii) Publicly commits to maintain and use the information in deidentified form and not to attempt to reidentify the information. The operator may attempt to reidentify the information solely for the purpose of determining whether its deidentification processes satisfy the criteria of this paragraph.

        iii) Contractually obligates any recipient of the information to meet the criteria described above in i) and ii) above of this analysis.

STAFF COMMENTS

1) **Need for the bill.** According to the author, "The Student Online Personal Information Protection Act and the Early Learner Personal Information Protection Act were landmark pieces of legislation that created protections for student and early learner data. However, technological progress has outpaced the legal protections provided by these laws, leaving students and early learners vulnerable to irresponsible collection, usage, and disclosure of their data. Additionally, students in California's higher education institutions have no equivalent protections. AB 1159, the CA Learner Personal Information Protection Act, modernizes existing data protections in the education field and extends

those protections to students in higher education, ensuring that all students can learn safely and securely in an increasingly digital world."

2) **Institutional oversight of deidentified information.** Existing federal law, including FERPA, governs educational institutions' handling of student education records and certain disclosures to third parties. FERPA primarily applies to educational agencies and institutions that receive funds under programs administered by the U.S. Department of Education. That includes K-12 schools, school districts, community colleges, the California State University (CSU), the University of California (UC), and many private colleges that participate in federal student aid programs. FERPA further permits educational institutions to disclose education records to contractors and service providers acting as school officials under certain conditions, while requiring institutions to maintain direct control over the use and maintenance of those records. This bill permits operators to use and share deidentified student information for specific purposes and places responsibility on operators to determine whether information has been sufficiently deidentified. Federal guidance issued by the U.S. Department of Education regarding FERPA deidentification practices suggests that educational agencies and institutions take an active role in evaluating whether information has been sufficiently deidentified and assessing the risk of reidentification.

   Concerns have been raised regarding the extent to which educational institutions have oversight of operator deidentification practices, particularly when the underlying information originates from records shared by the institution. It's unclear to Committee staff whether those concerns are limited to circumstances in which information is shared by an educational institution with an external provider or whether they extend to circumstances in which the operator independently collects or possesses student information.

   The provisions of this bill apply to all covered information possessed by an operator, regardless of whether the information was provided directly by the institution or directly by the student or by other means. *The bill further specifies that its provisions do not supersede FERPA; however, additional clarification may be warranted regarding deidentification determinations, the role of educational institutions in overseeing those determinations, and whether different considerations should apply depending on the source of the information.*

3) **Student privacy protections consistent across educational segments.** This bill expands existing K-12 and early learning student privacy laws while establishing a new higher education privacy framework. Although many provisions are substantially similar across the three acts, the bill creates separate statutory frameworks governing different educational sectors. Aligning the three privacy act frameworks may make compliance easier for operators that service multiple educational sectors.

4) **Permitted Disclosures.** The bill generally prohibits disclosures of covered information but provides several circumstances under which disclosures are not prohibited, including disclosures for higher education purposes, research, legal compliance, security contracted service providers, and certain governmental

entities. These exceptions attempt to balance student privacy protection with the operational needs of educational institutions, researchers, and service providers.

5) **Private right of action**. This bill creates a private right of action for specified violations of its student privacy protections. Questions regarding the scope and operation of private rights of action are generally outside of the jurisdiction of this Committee.

6) **Arguments in opposition.** The California Association of College Stores and National Association of College Stores contend that the bill should more clearly distinguish educational institutions and institution-directed services from the third-party operators the bill is intended to regulate. They argue, in part, that "…institutions already manage student-data risk by designating vendors as FERPA 'school officials,' negotiating data protection terms, and vetting vendors through procurement and IT security reviews. The real gap AB 1159 is targeting is unregulated third-party operators, not the schools themselves…"

7) **Arguments in support.** The California Faculty Association argues in support of the bill that existing student privacy laws have not kept pace with advances in educational technology and AI and that additional protections are needed to safeguard student information in both K-12 and higher education settings. CFA states, in part, "The additional protections outlined in AB 1159 are particularly important in the era of artificial intelligence, which has been known to training models on private data collected from personal devices. With the rapid acceleration of AI, the future uses of our students' personal data remain unknown, which is why it is paramount that we protect our students from data collection in school now and in perpetuity."

SUPPORT

Lieutenant Governor Eleni Kounalakis
California Faculty Association
California Federation of Labor Unions, AFL-CIO
California Nurses Association
California School Employees Association
CFT – A Union of Educators & Classified Professionals, AFT, AFL-CIO
UnidosUS

OPPOSITION

California Association of College Stores
California Chamber of Commerce
Computer & Communications Industry Association
National Association of College Stores
TechNet

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