
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1159 (Addis) - Student personal information

Version: August 3, 2026

Policy Vote: ED. 4 - 0, P., D.T., & C.P. 7 - 0

Urgency: No

Mandate: No

Hearing Date: August 10, 2026

Consultant: Lenin Del Castillo

Bill Summary: This bill establishes the Higher Education Student Information Protection Act to regulate the collection, use, disclosure, and protection of postsecondary education student data by educational technology operators. The bill also modifies the K-12 Pupil Online Personal Information Protection Act (KOPIPA) and the Early Learning Personal Information Protection Act (ELPIPA) to regulate the use of pupil data in artificial intelligence systems.

Fiscal Impact:

- This bill could result in additional, unknown cost pressures to the courts to adjudicate additional cases that are filed. The actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It typically costs about \$1,000 to operate a courtroom for one hour. Although the courts are not funded based on workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for the courts from the General Fund.
- The Chancellor's Office estimates minor, one-time Proposition 98 General Fund costs for the community colleges to train staff on student rights under the Higher Education Student Information Protection Act. There could also be one-time General Fund workload costs of \$12,000 to \$23,000 for the Chancellor's Office to release guidance.
- The administrative costs to the University of California and California State University are expected to be minor and absorbable within existing resources.
- The Department of Justice anticipates no significant fiscal impact as a result of this measure.

Background: Existing law 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.

Existing law 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.

Existing law 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. It 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.

Existing law establishes the KOIPA 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. The law prohibits, pursuant to KOIPA, 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.

Proposed Law: This bill expands the scope of KOIPA 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.

This bill 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.

This bill establishes 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. Specific elements of the act would:

1. 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.
2. 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.
3. 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.

This bill creates a private right of action for specified violations of pupil and student privacy protections, as specified.

This bill expands the definitions of “covered information” under KOIPA 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.

This bill expands the definition of “operator” under KOIPA 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, as specified.

This bill applies deidentification measures pursuant to FERPA and implementing regulations, as specified.

Staff Comments: This bill expands existing K-12 and early learning student privacy laws while establishing a new higher education privacy framework. While the provisions are substantially similar, the bill creates separate statutory frameworks governing different educational sectors. 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.”

-- END --