

THIRD READING

Bill No: AB 1159
Author: Addis (D)
Amended: 8/21/26 in Senate
Vote: 21

SENATE EDUCATION COMMITTEE: 4-0, 6/10/26
AYES: Pérez, Cortese, Menjivar, Reyes
NO VOTE RECORDED: Ochoa Bogh, Cabaldon, Choi

SENATE PRIV., DIGITAL TECH. & CONS. PROT. COMMITTEE: 7-0, 6/22/26
AYES: Cabaldon, Gonzalez, McNerney, Padilla, Reyes, Umberg, Wiener
NO VOTE RECORDED: Jones, Ochoa Bogh

SENATE APPROPRIATIONS COMMITTEE: 5-0, 8/13/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Seyarto, Dahle

ASSEMBLY FLOOR: 65-5, 1/26/26 - See last page for vote

SUBJECT: Student personal information

SOURCE: Privacy Rights Clearinghouse

DIGEST: 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 (KOPIPA) and the Early Learning Personal Information Protection Act (ELPIPA) to regulate the use of pupil data in artificial intelligence (AI) systems, applies their respective provisions to entities acting on behalf of an operator, and makes other changes related to protecting pupil information. It further creates a private right of action for specified violations of pupil and student privacy protection.

Senate floor amendments of 8/21/26 1) revise the standards and institutional review process for operators' deidentification of student information, 2) require operators to apply deidentification measures consistent with Family Educational Rights and Privacy Act (FERPA) requirements, as determined by educational institutions, 3) clarify that the bill does not require educational institutions to review or approve an operator's deidentification practices, 4) revise permitted sales and disclosures by national assessment providers and nonprofit enrollment-data reporting entities, subject to contractual restrictions, 5) allow specified communications to students concerning course materials, payments, rentals, returns, and order fulfillment 6) and extend the prelitigation notice and cure periods to 60 days.

ANALYSIS:

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 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) 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.)
- 4) 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))

- 5) 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)
- 6) 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))
- 7) 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))

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. The bill allows specified sales or disclosures by a national assessment provider for assessment, admissions, scholarships or financial aid, or other

educational purposes, and by a nonprofit enrollment data reporting entity for specified verification, reporting compliance, and higher education purposes. These transactions must be governed by a written contract restricting further sales, disclosure, and use of the information, as specified.

- b) Specifies circumstances under which disclosures of covered information are not prohibited, including higher education purposes, research, legal compliance, security, contracted services providers, and the assessment and enrollment data reporting activities described, subject to certain conditions, as specified.
 - c) 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.
 - d) 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, and communications to students regarding required or recommended course materials, payment deadlines, rental and return policies, refunds, returns, and order fulfillment, as specified.
 - e) Clarifies that this 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 KOIPA and ELPIPA to include additional categories of information, including extracurricular activities, biometric or behavioral information, device identifiers, search activity, photographs, and voice recordings. This 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. This 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.
 - iv) Applies deidentification measures consistent with those required of educational agencies and institutions under FERPA and implementing regulations, as determined by the preschool, prekindergarten, school, local educational agency (LEA), or higher education institution.
 - v) Makes its deidentification processes available for review, by the preschool, prekindergarten, school, LEA or higher education institution that the operator serves before any use of deidentified data by the operator.
 - vi) To the extent the preschool, prekindergarten, school, LEA, or higher education institution that the operator serves maintains a deidentification

policy or standard, applies deidentification measures in accordance with that policy or standard.

vii) If the preschool, prekindergarten, school, LEA, or higher education institution reviews the operator's deidentification processes, prohibits the operator from using, sharing, or retaining the information as deidentified information until the institution determines that the operator's process is sufficient under the applicable standards.

viii) Clarifies that a preschool, prekindergarten, school, LEA, or higher education institution is not required to review an operator's deidentification processes or approve an operator's retention or use of deidentified information.

b) "Operator" to mean the operator, or an entity working on behalf of the operator, of an internet website, online service, online application, or mobile application with actual knowledge that the site, service, or application is used for preschool, prekindergarten, K–12 school or higher educational purposes and was designed or marketed for preschool, prekindergarten, K–12 school or higher educational purposes, including a provider of digital educational software or services, including digital course books.
"Operator" does not include the State Department of Education, a preschool, prekindergarten, a LEA, a school, or a higher education institution.

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 LEAs and institutions that receive funds under programs administered by the United States (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 LEAs 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 (LEA, school, prekindergarten, preschool, and higher education institutions) have oversight of operator deidentification practices, particularly when the underlying information originates from records shared by the institution. In response to these concerns, the amendments require an operator to apply measures consistent with FERPA deidentification requirements, as determined by the educational institution; make its process available for institutional review before using deidentified data; and, if the institution conducts a review, refrain from using, sharing, or retaining the information as deidentified until the institution determines the process is sufficient.

- 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 serve multiple educational sectors.
- 4) *Permitted disclosures and sales.* This bill generally prohibits the sale or disclosure of covered information but establishes certain exceptions. Recent amendments revise the exceptions for national assessment providers and nonprofit enrollment data reporting entities and require written contracts limiting further sales, disclosure, and use. This bill's provisions stating that it does not limit or supersede FERPA preserves applicable federal requirements,

and each disclosure of education records must still be supported by consent or an applicable FERPA exception.

- 5) *Private right of action.* This bill creates a private right of action for specified violations of its student privacy protections.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee analysis, this bill would have the following 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.

SUPPORT: (Verified 8/24/26)

Privacy Rights Clearinghouse (source)
Lieutenant Governor Eleni Kounalakis
Alliance of Californians for Community Empowerment Action
Asian Americans Advancing Justice Southern California
Asian Solidarity Collective
Bright Light Strategies
CA Now
California Faculty Association

California Federation of Labor Unions, AFL-CIO
California LGBTQ Health and Human Services Network
California Nurses Association
California Police Chiefs Association
California School Employees Association
California State PTA
California Work and Family Coalition
Californians Together
Center for Public Interest Law/Children's Advocacy Institute/University of San Diego
CFT – A Union of Educators & Classified Professionals, AFT, AFL-CIO
Common Sense Media
Consumer Action
Consumer Federation of California
Courage California
Dental Board of California
Equal Rights Advocates
Equality California
GSA Network
Indivisible CA State Strong
Kapor Center Advocacy
NextGen California
Oakland Privacy
Privacy Defense Alliance
Secure Justice
Students Deserve
Tech Equity
Tech Oversight California
The Children's Partnership
UnidosUS

OPPOSITION: (Verified 8/24/26)

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

ASSEMBLY FLOOR: 65-5, 1/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, Elhawary, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio, Ellis, Johnson, Macedo, Tangipa

NO VOTE RECORDED: Arambula, Castillo, Dixon, Flora, Gallagher, Hadwick, Lackey, Papan, Celeste Rodriguez, Ta

Prepared by: Olgalilia Ramirez / ED. / (916) 651-4105

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