

106TH CONGRESS
1ST SESSION

H. R. 2915

To protect students from commercial exploitation.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 1999

Mr. GEORGE MILLER of California (for himself, Mr. MCGOVERN, Mr. MURTHA, and Ms. ESHOO) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To protect students from commercial exploitation.

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 “Student Privacy Pro-
5 tection Act”.

6 **SEC. 2. PRIVACY FOR STUDENTS.**

7 Part E of title XIV of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 8891 et seq.) is amend-
9 ed by adding at the end the following:

1 **“SEC. 14515. PRIVACY FOR STUDENTS.**

2 “(a) IN GENERAL.—None of the funds authorized
3 under this Act may be used by an applicable program to
4 allow a third party to monitor, receive, gather, or obtain
5 information intended for commercial purposes from any
6 student under 18 years of age without prior, written, in-
7 formed consent of the parent of the student.

8 “(b) INTENTION OF THIRD PARTY.—Before a school,
9 local educational agency, or State, as the case may be,
10 enters into a contract with a third party, the school, agen-
11 cy, or State shall inquire whether the third party intends
12 to gather, collect, or store information on students, the
13 nature of the information to be gathered, how the informa-
14 tion will be used, whether the information will be sold, dis-
15 tributed, or transferred to other parties and the amount
16 of class time, if any, that will be consumed by such activ-
17 ity.

18 “(c) CONSENT FORM.—The consent form referred to
19 in subsection (a) shall indicate the dollar amount and na-
20 ture of the contract between a school, local educational
21 agency, or State, as the case may be, and a third party,
22 including the nature of the information to be gathered,
23 how the information will be used, if the information will
24 be sold, distributed, or transferred to other parties, and
25 the amount of class time, if any, that will be consumed
26 by such activity.”.

1 **SEC. 3. GAO STUDY.**

2 (a) IN GENERAL.—The Comptroller General of the
3 United States shall conduct a study in accordance with
4 subsection (b) regarding the prevalence and effect of com-
5 mercialism in elementary and secondary education.

6 (b) CONTENTS.—The study shall—

7 (1) document the nature, extent, demographics,
8 and trends of commercialism (commercial adver-
9 tising, sponsorships of programs and activities, ex-
10 clusive agreements, incentive programs, appropria-
11 tion of space, sponsored educational materials, elec-
12 tronic marketing, market research, and privatization
13 of management) in elementary and secondary
14 schools receiving funds under the Elementary and
15 Secondary Education Act of 1965;

16 (2) consider the range of benefits and costs,
17 educational, public health, financial and social, of
18 such commercial arrangements in classrooms; and

19 (3) consider how commercial arrangements in
20 schools affect student privacy, particularly in re-
21 gards to new technologies such as the Internet, in-
22 cluding the type of information that is collected on
23 students, how it is used, and the manner in which
24 schools inform parents before information is col-
25 lected.