AB 1159: CA Learner Personal Information Protection Act

SUMMARY

Assembly Bill 1159, the **CA Learner Personal Information Protection Act (CALPIPA)**, modernizes existing student data protections, clarifies data collection boundaries, and extends comprehensive privacy safeguards from preschool to university, protecting all California students against data misuse.

BACKGROUND

The Student Online Personal Information Protection Act (now known as KOPIPA) was signed into law in 2014 to combat the risks associated with the rising use of technology in K-12 education. While school usage of technology was previously confined to the classroom, the increasing integration of internet-connected devices required a new approach to safeguard personal student data.

KOPIPA imposes reasonable requirements on education technology (EdTech) products that are designed, marketed, and primarily used for K-12 school purposes:

- a prohibition on the sale of student data,
- a prohibition on targeted advertising using student data,
- a prohibition on profiling students for noneducational purposes,
- a prohibition on the disclosure of student information with narrow educational exceptions, and
- the requirement that vendors implement reasonable data security measures.

Since KOPIPA took effect in 2016, technology in education has accelerated rapidly. Students from preschool through university now maintain a near-constant online presence via a profusion of EdTech platforms. With artificial intelligence now entering classrooms, modernized data protections are urgently needed.

PROBLEM

A decade after KOPIPA's passage, critical weaknesses in student data protections have emerged:

1. **Ambiguous scope**: Uncertainty exists about which businesses must comply with KOPIPA and what they can do with collected student information, leaving data vulnerable to privacy violations both in and outside the classroom.
2. **Gaps in student protections**: While the Early Learning Personal Information Protection Act (ELPIPA) extended protections to preschool children, approximately 2.9 million California higher education students still lack these safeguards, including high school students in dual enrollment programs.
3. **Outdated provisions:** Protections in KOPIPA are in desperate need of modernization, particularly around prohibiting the sharing of information about a student's immigration status, reproductive health, and LGBTQ identity as well as prohibiting the use of student data to train generative AI (GenAI) models.

SOLUTION

Assembly Bill 1159 both updates and expands existing student data protections through four main actions:

1. **Clarifies and broadens scope:** Clarifies the existing definitions of "operator", "school purpose" and "general audience" to protect students in the classroom and at home when accessing EdTech.
2. **Extends protections:** Creates higher education privacy safeguards for California's 2.9 million college and university students while improving both KOPIPA and ELPIPA, ensuring a comprehensive privacy framework across all educational levels.
3. **Strengthens data minimization:** Sets reasonable limits on data sharing and retention, with protections for sensitive information (immigration status, LGBTQ+ identity, reproductive health). Prohibits businesses from using student data to train GenAI models.
4. **Enables enforcement**: Establishes a private right of action with safeguards, including 45-day notice and cure periods.

SUPPORT

- Privacy Rights Clearinghouse (sponsor)

- Asian Americans Advancing Justice Southern California
- Asian Solidarity Collective
- California Faculty Association
- California Federation of Labor Unions, AFL-CIO
- California School Employees Association
- Californians Together
- CFT
- Children's Advocacy Institute
- Consumer Action
- Consumer Federation of California
- Courage California
- Equality California
- Genders and Sexualities Alliance Network
- Indivisible CA: StateStrong
- Kapor Center
- Oakland Privacy
- Secure Justice
- Students Deserve
- Tech Oversight California
- The California LGBTQ Health and Human Services Network
- The Children's Partnership

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