SmartSuite

Framework / Cybersecurity / Other

Texas Senate Bill 820 (2019): School District Cybersecurity Policy, Education Code Section 11.175

Texas SB 820 (2019) added Education Code 11.175: every school district adopts a cybersecurity policy, names a cybersecurity coordinator and reports breaches of student information to TEA.



What it is

Texas Senate Bill 820 (86th Legislature, Acts 2019, chapter 605) is the law that requires every Texas school district to adopt a cybersecurity policy, designate a cybersecurity coordinator and report breaches of system security to the Texas Education Agency (TEA). It added section 11.175 to the Education Code, was signed by the Governor on June 10, 2019 and took effect on September 1, 2019 (Section 2).

At a glance

PUBLISHER
Texas Legislature (Education Code section 11.175); administered by the Texas Education Agency

TYPE
Regulation

VERSION
SB 820 (2019), Education Code section 11.175, as amended by SB 1696 and SB 1267 (2021) and HB 4595 (2023)

EFFECTIVE
September 1, 2019

DOMAIN
Cybersecurity

FAMILY
Other

REGION
Texas

INDUSTRY
Government & Public Sector

ADOPTION MODEL
Regulatory Compliance

IMPLEMENTATION COMPLEXITY
Low

Source: capitol.texas.gov/tlodocs/86R/billtext/html/SB00820F.htm

Why it matters

- **A policy with a defined purpose** Subsection (b) requires a cybersecurity policy to secure district cyberinfrastructure against cyber attacks and other cybersecurity incidents and to determine cybersecurity risk and implement mitigation planning.
- **A named coordinator** Under subsection (d) the superintendent designates a cybersecurity coordinator to serve as the liaison between the district and TEA in cybersecurity matters.
- **A clear reporting trigger** Subsection (e) requires a report to TEA, or to the sharing system administrator, of any cyber attack or incident that constitutes a breach of system security, as soon as practicable after discovery.
- **Parent notice** Subsection (f) requires the coordinator to notify a parent or person standing in parental relation to each student whose information was involved in a reportable incident.

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How SmartSuite supports TX SB 820

District Cybersecurity Policy Record

Keep the adopted policy under 11.175(b), its board approval date, the DIR standards it was checked against under (c) and its review history in one record.

Coordinator Designation

Record the superintendent's designation of the cybersecurity coordinator under 11.175(d), the TEA liaison details and the annual Government Code 2054.5191 training completion under (h-1).

Risk Determination and Mitigation Planning

Run the risk determination the policy must provide for as a risk register with mitigation actions, owners and dates.

Breach of System Security Reporting

Log each cyber attack or incident, test it against the 11.175(a) definition, and track the report to TEA or the sharing system as soon as practicable after discovery.

Parent Notification

Identify the students whose information was involved and record the notice to each parent or person standing in parental relation under 11.175(f).

Staff Training Decisions

Document which other employees the district requires to train, as determined with the coordinator under 11.175(h-1), and their completions.

Common framework mappings

CIS Controls v8.1 | CJIS Security Policy | FERPA | HIPAA | ISO 27001:2022 | ISO 27002:2022 | NIST CSF 2.0 | NIST 800-53 Rev.5 | PCI DSS 4.0.1 | SOC 2

Official resources

SB 820 (2019), enrolled text

The enrolled bill of the 86th Legislature that added Education Code section 11.175, the school district cybersecurity policy and coordinator requirement.

capitol.texas.gov/tlodocs/86R/billtext/html/SB00820F.htm

House Research Office Bill Analysis for SB 820

Provides legislative analysis explaining the cybersecurity policy requirement for school districts under SB 820.

hro.house.texas.gov/pdf/ba86r/sb0820.pdf

Texas Education Code Chapter 11 (section 11.175)

The codified School Cybersecurity section as amended through the 88th Legislature, within chapter 11 of the Education Code.

statutes.capitol.texas.gov/Docs/ED/htm/ED.11.htm

Frequently asked questions

What does Texas SB 820 require a school district to do?

Under Education Code section 11.175, added by SB 820 in 2019, each school district adopts a cybersecurity policy to secure its cyberinfrastructure against cyber attacks and other cybersecurity incidents and to determine cybersecurity risk and implement mitigation planning (11.175(b)). The superintendent designates a cybersecurity coordinator as liaison with the Texas Education Agency (11.175(d)), the district reports breaches of system security to TEA (11.175(e)) and the coordinator notifies the parents of affected students (11.175(f)).

What counts as a breach of system security that must be reported?

Section 11.175(a)(1) defines a breach of system security as an incident in which student information that is sensitive, protected or confidential under state or federal law is stolen or copied, transmitted, viewed or used by a person unauthorized to engage in that action. Under 11.175(e) a district or open-enrollment charter school reports any cyber attack or other cybersecurity incident that meets that definition to TEA, or to the entity administering the sharing system, as soon as practicable after discovering it.

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Who is the cybersecurity coordinator and what training must they complete?

The coordinator is designated by the superintendent under 11.175(d) to serve as the liaison between the district and TEA in cybersecurity matters, and reports incidents and gives parent notices under (e) and (f). Under 11.175(h-1), added by SB 1267 in 2021, only the coordinator must complete the state-certified cybersecurity training in Government Code section 2054.5191 each year; other district employees who are required to train do so as the district determines in consultation with the coordinator.

Does the policy have to follow a particular security standard?

The statute names no control set. Section 11.175(c) requires only that the policy not conflict with the information security standards for institutions of higher education adopted by the Department of Information Resources under Government Code chapters 2054 and 2059, which in practice means DIR's Security Control Standards Catalog and Texas Cybersecurity Framework. The commissioner of education may adopt rules under 11.175(i).

When did SB 820 take effect, and how has section 11.175 changed since?

The Governor signed SB 820 on June 10, 2019 and it took effect on September 1, 2019 (Acts 2019, chapter 605). SB 1696 (2021) extended the reporting duty to open-enrollment charter schools and created the anonymous incident-sharing system in subsections (g) and (h), SB 1267 (2021) added the training rule in (h-1), and HB 4595 (2023) made a conforming change; the section is now titled School Cybersecurity.

License included / downloadable: Yes SB 820 and Education Code section 11.175 are Texas state law, published free on Texas Legislature Online and the Texas Statutes site; the platform links to the enrolled bill and the codified section.

Full framework page and mappings: smartsuite.com/frameworks/us-texas-sb820-state-cybersecurity-information-security-requirements

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